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The Present Relations
of
Church & State
in
England.



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**THE PRESENT RELATIONS OF CHURCH
AND STATE IN ENGLAND**

IN ACCORDANCE WITH

The Teachings of Political Science.

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PRESENT RELATIONS OF CHURCH
AND STATE IN ENGLAND

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The Teachings of Political Science.

BY THE

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PREFACE.

ST. PETER tells us that Christians should be ready to give to every man that asks them a reason of the hope that is in them, a reason why they are Christians, why they hope to be saved through Christ. We Churchmen should also be ready to give a reason, not only why we are Christians, but also why we are Churchmen; why we still adhere to that form of Christianity which has been so long established in this our island; why we are not ashamed to walk in the old paths which our forefathers have trodden; why we still repeat their prayers and sing their songs of praise. This is an age of inquiry and discussion. It is not enough for a Christian to say, "I go to church because my parents brought me up to go there." He must be prepared with some better reason than this, if he would not lay himself open to the scoff and the sneer of the sectarian and the secularist. The object of the present Treatise will be to suggest to Churchmen reasons why they should firmly maintain the position which by God's grace they at present occupy, and to give to Nonconformists reasons why they should not make too sure of being able soon to sweep away a system of religion which has stood so long; which, like the flag of our country, has braved for many and many a year the battle and the breeze—the battle of controversy, the breeze of inquiry, examination, and discussion.

It is not the writer's intention to enter on the discussion of doctrinal or of purely theological topics, or to speak of any of those points as to which differences of opinion exist among sincere and attached members of the Church of England; his object will be to show in as clear and concise a manner as possible, that the relations which at present exist in this

country between the Church and the State, are in accordance with the Word of God, with the suggestions of practical common sense, and with the principles of political science; and in order to accomplish this object, he will endeavour, first to explain what is meant by an Established Church, and what advantages it brings to a nation; secondly, to show that what is commonly called Church property does really belong to the Church, and not to the nation, and is not, as some suppose, merely one form of national property; the subject of Church patronage will then come under review; and, in conclusion, attention will be drawn to some of the principal evils inherent in the systems of Dissent which so widely prevail, and more especially to the very dangerous and revolutionary tendency of the views and arguments brought forward by the Liberation Society and its advocates. The writer will thus have to deal with topics which are now exciting deep interest, and on which much angry feeling has been displayed. He has no desire to stir up the flames of strife, to impute improper motives to those who differ from him, or to say anything which may cause them unnecessary annoyance. He would rather give them credit, as far as possible, for wishing to do right even on those points on which he thinks them most thoroughly mistaken. To all, Churchmen or Dissenters, who may read the following pages, the writer would say, Do not take anything for granted simply because it is affirmed by this or that party leader, but rather follow the precept of the inspired Apostle, "*Prove all things, hold fast that which is good.*"

ST. PAUL'S PARSONAGE, HUDDERSFIELD,
August, 1867.

CONTENTS.

CHAPTER I.

ON THE MEANING OF THE TERM ESTABLISHED CHURCH.

Hooker's theory—Identity of Church and State—Approved by Lord Eldon—Not in accordance with actual state of things—Bishop Warburton's theory—More in accordance with present notions—Dr. Chalmer's definition—Objectionable as admitting the possibility of several Established Churches in the same country—Rev. J. Angell James' definition—Incorrect as confounding an Established with a State-paid Church—The Writer's definition.

CHAPTER II.

ON THE DIFFERENT KINDS OF ESTABLISHED CHURCHES.

Three kinds of Established Churches—The State-enforced Church—Exists in Spain—Evils resulting from it—The State-paid Church—Exists in France—Sometimes but not always desirable—The State-recognised Church—Exists in England—Is the best kind of Established Church—Forms of Established Churches must vary according to circumstances of different countries—Established Church cannot exist where no one religious body preponderates over the rest—No Established Church in United States of America—Religious destitution produced by its absence.

CHAPTER III.

ON THE ADVANTAGES OF AN ESTABLISHED CHURCH.

Established Church tends to promote the glory of God—This object not so well attained by an equal recognition of all religious bodies—A higher class of men become ministers in an Established Church—Established Church

rests on a broad basis—Is not given to sudden and rash changes—Has a territorial organization co-extensive with the country—Sure provision thus made for the religious wants of the entire population—Arguments drawn from Old Testament—Do not carry much weight with Nonconformists.

CHAPTER IV.

ON CERTAIN ALLEGED DISADVANTAGES OF AN ESTABLISHED CHURCH.

Objection that Church is in fetters considered—Church matters regulated by Parliament—Eighty-eight per cent of members of House of Commons Churchmen—Objection that clergy are too independent of people—Dependence or independence of clergy more connected with system of Church Patronage than with union between Church and State—Majority of Churchmen opposed to revision of Prayer Book—Appointment of Bishops vested nominally in Crown, really in Prime Minister—Mainly regulated by public opinion—More energy of action among Churchmen obtainable without separation of Church and State—Established Church of Scotland an evidence of this—High character of the present Episcopal Bench—Nonconformists not entitled to object to union between Church and State as injurious to Church—Should show that it is injurious to State—Nonconformist objections arise mainly from jealousy and sense of social inferiority.

CHAPTER V.

CHURCH PROPERTY NOT NATIONAL PROPERTY.

Church Property defined—Church and State distinct—Church, though a spiritual body, may have worldly property—Distinction between public and private property—Property may be public without being national—Church property consists of glebe lands, tithes, parsonage houses, funded and other personal property in hands of Ecclesiastical Commissioners, and of private trustees.

CHAPTER VI.

SAME SUBJECT CONTINUED.—MR. EAGLE'S ARGUMENTS EXAMINED.

Mr. Eagle contends that tithes are public property—This admitted by Churchmen—Anecdote about Nonconformist minister suggested by his remarks—He misrepresents the views of his opponents—Says tithes are not

distinguishable from salaries of other public functionaries—They are distinguishable as paid out of a different fund, and for a different purpose—Says tithes may be regulated, modified, or exchanged by the legislature—How far this is true—Clergy receive tithes on condition of performing certain public services—Are justly entitled to them so long as they perform those services—Office of clergyman not created, nor funds for his maintenance provided by State—Mr. Eagle admits that Churches were endowed by private individuals—Distinction drawn by him between parochial tithes and tithes from arbitrary consecration—Enactment of King John—Did not enforce tithes as a new tax—Directed to whom tithes previously bequeathed to the Church were to be paid—Rights and duties of State in regard to property left by private individuals for public purposes—Enactment of King Edward II. in regard to Templar Knights—Not favourable to Mr. Eagle's views, though cited by him—Enactment of King Henry V. in regard to priories—Comes under same principle—Enactment of King Henry VIII.—He unjustly seized upon Church property and gave it to his courtiers—Hence arose impropriate tithes—Distinction between tithes impropriate and appropriate—Liberation Society would confiscate appropriate tithes, and leave the impropriate untouched—Liberation Society and Tithe Redemption Trust contrasted.

CHAPTER VII.

SAME SUBJECT CONTINUED.—MR. MIALI'S ARGUMENTS EXAMINED.

Mr. Miall describes tithes as the product of public law or as an ancient tax—His explanation of the object of his treatise confused and self-contradictory—Tithes might originate from private liberality, from a State gift, or a State tax—Difference between a State gift and a State tax ignored by Mr. Miall—Enactment of King Offa—Its nature and meaning probably not understood by Mr. Miall—Enactment of King Ethelred—Shews that tithes were regarded, not as a State tax, but as a gift to God—These gifts ratified by landowners in solemn assemblies—Payment of tithes enforced by law upon persons inheriting lands made subject to tithes by previous owners—Various articles on which tithes were levied—Distinction between prædial and personal tithes—Personal tithes enforced only by Ecclesiastical and not by Civil Courts—Soon given up altogether—Alleged modern Expansion of Tithes—Act of Edward VI. wrongly quoted by Mr. Miall—Burn and Eagle also wrongly quoted—Tithes paid to Crown as trustee, not for the State, but for the Church—New parishes generally formed not out of extra parochial lands, but by subdivision of old parishes—Act of Charles II. also wrongly quoted—Tithes bear far smaller proportion to national revenues now than in Middle Ages—Church property not held from State—First-fruits and tenths on

livings paid, before the Reformation, to the Pope but then made over to Crown as trustee for the Church, now paid to the Commissioners of Queen Anne's Bounty for the increase of small livings—Church of England declared by Mr. Miall to have no property—In what sense this is true—Church of England not a Joint Stock Company—Church property held in a perpetual succession of life estates—Inequality of Church livings a proof that Church property came from private liberality, and not from the State—Church compared by Mr. Miall to the army—Difference between the two explained—Church property exists, but not army property—Mr. Miall's scheme, if carried out, would endanger all charitable bequests—Many other errors of Mr. Miall left unnoticed—His book described by Liberation Society lecturers as unanswered and unanswerable.

CHAPTER VIII.

ON CHURCH PATRONAGE.

Church Patronage defined—Source of minister's income, and quarter in which is lodged the power of appointing him, the two important questions under this head—Pure voluntarism as contrasted with system of endowment—Among Nonconformists appointment rests with congregation, in Church of England with patron—Dependent position of ministers appointed by congregation—Advantages and disadvantages of the two systems—Qualifications required in Church of England before a man can be appointed to a living—Private and public patronage—Private patrons heirs or assignees of Church benefactors—Public patronage more beneficial to the Church than private—Should be vested in trustees—Sale of advowsons justifiable—Higher class of ministers obtainable by present system than by a more democratic system of Church Patronage—Rich country livings often held by members of aristocratic families—This objected to by Nonconformists, but really beneficial to the poor.

CHAPTER IX.

ON THE UNREASONABLE AND BITTER SPIRIT SHEWN BY SOME NONCONFORMISTS.

Two classes of Nonconformists—Wesleyan Methodists—Liberation Society—Meaning of term Political Dissenter—Rev. C. J. Hinton's Tract—Says Church of England separated from the State, but retaining her revenues, would be more mischievous than she is now—Confiscation of Church property chief object of Liberation Society—Principles of Liberation Society

dangerous for private as well as for Church property—Should be opposed by all holders of property—Bigotry and intolerance imputed to Churchmen, but really to be found, not with them, but with the Liberation Society.

CHAPTER X.

OBJECTIONS TO DISSENT AS A RELIGIOUS SYSTEM.

Evils of Dissent most clearly seen in the case of able and pious Dissenters—Dissent contrary to spirit of Christ's intercessory prayer—Encourages infidelity, hatred, and divisions—Arose mainly from low religious condition of the Church in the 18th century—Spiritual good done by Dissenters, done by them, not as Dissenters, but as Christians teaching the same doctrines as are taught by the Church—Secession of Dissenters from Church of England different from that Church's separation from Rome—Orthodox Dissenter less ground for seceding than the Unitarian.

CONCLUSION.

Church of England not created by Henry VIII. or by Act of Parliament—Has existed for 1500 years—Her Bishops at Council of Niocea, A.D. 325—Church may have to pass through heavy afflictions, but cannot be destroyed.

THE PRESENT RELATIONS OF CHURCH AND STATE IN ENGLAND IN ACCORDANCE WITH THE TEACHINGS OF POLITICAL SCIENCE.

CHAPTER I.

ON THE MEANING OF THE TERM ESTABLISHED CHURCH.

BEFORE we can fairly discuss the question whether an Established Church confers any advantages on a nation, and what those advantages are, we must first understand what is meant by an Established Church; we must have a clear and sufficient definition of the term Established Church distinctly present to our minds. To give such a definition is not so easy as some suppose. In order to do it one must look carefully at all the Established Churches which anywhere exist, compare them with other religious bodies which are not established, and see what is the peculiar feature which is present in the former, but wanting in the latter. Hooker, in his "Ecclesiastical Polity," maintains that the Church and the State are identical, or at least that the same persons compose both. His words are, "We hold that, seeing that there is not any man of the Church of England but the same man is also a member of the commonwealth, nor any member of the commonwealth who is not also of the Church of England; therefore, as in a figure triangle, the base doth differ from the sides thereof, and yet one and the selfsame side is both a base and also a side—a side simply; a base if it chance to be the bottom and underlie the rest; so, albeit, properties and actions of one do cause the name of a commonwealth; qualities and functions of another sort the name of a church, to be given to a multitude, yet one and the selfsame multitude may in such sort be both. Nay, it is so with us, that no one pertaining to the one can be denied also to be of the other." And, in the generation immediately preceding our own, Lord Chancellor Eldon assented to this view, saying that "he knew no difference as to the persons of whom they are composed between the Church and the State; the Church is the State, and the State is the Church." It would be well if the Church and

the State were thus identical, in other words, if all men were agreed in their religious views. But, in the present imperfect state of things, such a unity as this is rather a thing to be desired than to be confidently expected. The principle of religious toleration, of freedom of opinion on religious subjects, being once conceded, the identity of Church and State can no longer be maintained, unless all the members of the State agree sufficiently in their religious opinions to admit of their uniting in one religious body. In the days of Hooker the principle of religious toleration was not admitted, Nonconformists were subject sometimes to direct persecution, and always to civil disabilities, and therefore he could consistently write as he did. But, if the Church and the State be identical, then the laws of the Church are also the laws of the State, and it becomes the duty of the State to enforce obedience to those laws. The first and fundamental law of every Church or religious body is a profession of belief in its creeds and formularies. This profession distinguishes its members from the rest of mankind. If therefore the State be identical with the Church, it is the manifest duty of the State to require of all its citizens a profession of belief in the creeds and formularies of the Church. Even if the State be so lenient as not to enforce this upon private citizens, yet the very least it can consistently do is to require it of all those who aspire to any public post of honour and emolument. If this be not done, the State makes a lamentable confession of weakness, inasmuch as it has laws which it does not require or expect even its own ministers and functionaries to obey. All Englishmen are now agreed that conformity to the State religion is not to be insisted upon as indispensable for admission to a seat in Parliament or to other public offices. Some think that Roman Catholics and Jews ought to be excluded from Parliament; the former on the ground that they own allegiance to a foreign sovereign; the latter on the ground that, England being a Christian country, all its legislators should make at least an outward profession of some form of Christianity. It is not within the scope of the present treatise to enquire whether these classes should or should not be excluded. All that need be said is, that the advocates of exclusion in these cases uphold it on special grounds, not on the general ground that all State legislators and public functionaries must profess to believe in the State religion. And all will agree that the laws of the State must be obeyed. If, therefore, obedience to one set of laws—the State laws,—be enforced, while obedience to another set of laws—the Church laws,—is left, so far as the State is concerned, entirely optional, it is evident that the Church and the State cannot be identical. The laws of the one are enforced by civil penalties, those of the other only by religious influences brought to bear upon the

heart and conscience. So far, therefore, are the Church and the State from being identical, that though every person in England, other than a mere passing foreigner, must be a member of the State, yet many discharge the duties of citizens, and hold public offices, without conforming to the State religion. The State, therefore, comprises the whole, but the Church only a portion—the most intelligent, wealthy, and numerous portion, it is true, but still only a portion—of the English people. Hence we must regard the identity of Church and State as only one of the forms under which an Established Church may exist, and not as essential to the existence of such a Church. In the last century, when rather more liberal ideas as to religious toleration prevailed than in the days of Hooker, Bishop Warburton took another view of the relation between Church and State. He regarded the two as distinct societies or institutions, and the connection between them as a “politic league and alliance for mutual defence and support.” And this is the view best suited to the circumstances of the present day; for now the State is understood to have for its province, not the diffusion of orthodox religious opinions, but first the protection of life and property, and secondly the furtherance of education and other things which may contribute to the temporal wellbeing of the nation, while to the Church is allotted the higher province of preparing its members for the solemn account which each of them in his turn must render unto God. Dr. Chalmers, in his “Lectures on the Establishment and Extension of National Churches,” takes a very different view from that laid down by Hooker. He says—“We should assume as the basis of our definition for a religious establishment, or as the essential property by which to specify and characterise it—a sure legal provision for the expense of its ministrations. Wherever we have a certain legal provision for the ministrations of Christianity, there we have an establishment of Christianity in the land. It is this which forms the essence of an establishment, and, as such, must be singled out from among all the other accessories wherewith it may happen to be variegated. This idea of an establishment may or may not imply what is commonly meant by a connection between the Church and the State. If it be the State which maintains the Church, we admit that there is such a connection—whether this maintenance be their ancient and original gift, or a grant renewed every year, and which may or may not be recalled by the civil government. But the truth is, that the maintenance may have originated in other sources—in the bequests of individuals, or numerous private acts of liberality, prompted by the affection of the pious for the Christian good, whether of the community at large, or of special districts in various parts of the land. In our eyes it is not less an establishment on this account,

than if supported by a direct allowance from the national treasury. To realise our idea of an establishment, it is enough that there be legal security for the application of certain funds to the maintenance of Christian worship or Christian instruction in a country; and this in whatever way these funds may have originated. If the Church be indebted for its revenues to the benefactions of the rich and the religious in other days, then it may have no more connection with the State than the State has with any other charitable endowments in the kingdom, where so much property is destined to certain ends; and all which the State has to do in the matter is to make good the destinations, or to see that effect and fulfilment be given to the intentions of the original testators." These statements are very true and important, in so far as they distinctly assert one fact which many Dissenters so persistently ignore, namely, that an Established Church is not necessarily a State-paid Church. But Dr. Chalmers seems to intimate that every endowed religious body, by the very fact of its being endowed, becomes an Established Church, so that there might be any number of Established Churches in a country; indeed any wealthy individual might become the founder of an Established Church by building a number of churches or chapels, and endowing each with a sum sufficient to furnish "a sure legal provision for the expense of its ministrations." This definition of an Established Church is certainly clear and precise, but it is hardly in accordance with the ideas usually attached to the term by intelligent men of all shades of opinion. According to Dr. Chalmers there would be several Established Churches in England besides the Episcopal Church—the Church recognised by the State—for several of the sects have endowments. Many other definitions of an Established Church have been given by eminent writers, but we will quote but one more, that given by a distinguished Dissenter, the late Rev. John Angell James. In his pamphlet, entitled, "*The Principles of Dissent and the Duties of Dissenters*"—a pamphlet which went through several editions—he says, "By a religious establishment, we mean the act of the supreme government of a country in fixing upon a religious creed and form of public worship to be taught to the people, paying a class of ministers to teach it, and drawing the funds necessary for its support from the resources of the country at large."

This definition is at variance with the statements of Dr. Chalmers, inasmuch as it assumes that every Established Church must be supported by a direct allowance from the national treasury. And therefore it does not apply to the Church of England. No impartial person, who has studied the history of England at the time of the Reformation, will say that the religious creed and form of public worship in the Church of

England were then or at any other time fixed upon by the supreme government of the country. He would rather say that the religious creed and form of public worship now used in the Church of England were fixed upon three hundred years ago by the English people, employing as their agents the ablest divines and lawyers of that age, and approving their work when it was done. And most certainly the clergy of the Church of England are not paid by the Government, nor does the Government "draw the funds necessary for its support from the country at large." Hence, if this definition of an Established Church be correct, there is no Established Church in England.

We will now venture to give a definition which will, we believe, be found correct—a definition agreeing with Bishop Warburton's views, less comprehensive than that of Dr. Chalmers, but more so than those of Hooker or of the Rev. J. A. James. It is as follows:—"A religious body, possessed of a fixed creed and form of public worship, possessed also of a territorial organization, co-extensive with a particular country, receiving from the Government of that country a special recognition, and giving to that Government in return for such recognition a certain control over its organization and general arrangements."

CHAPTER II.

ON THE DIFFERENT KINDS OF ESTABLISHED CHURCHES.

TAKING as our starting point the definition of an Established Church given at the end of the preceding chapter, we would now draw attention to three varieties of Established Churches, or three variations in the conditions of union between the Church and the State. We may call the first, the State-enforced Church; the second, the State-paid Church; the third, the State-recognised Church. In the State-enforced Church, the understanding between the Church and the State will be such as this: the Church will say to the State, "If you will support my authority, I will in turn support your authority: I will preach the duty of obeying you from all my pulpits; I will punish by excommunication, or otherwise as I best can, those who rebel against you." And the State will say to the Church, "If you will thus support me, I will in return insist upon my subjects attending your public services, and making at least a profession of belief in your creed." This was the kind of union between Church

and State which existed nearly everywhere in Europe during the middle ages; which still exists in Spain, and did exist till very lately in most parts of Italy. A Church thus united to the State is almost sure to be a persecuting Church, and the State thus united will help the Church in her persecutions. These persecutions may vary in degree; the extreme form was exhibited in the days of the Inquisition, when the heretic was first solemnly excommunicated by the Church, and then delivered over to the secular power to be punished for what were considered to be his religious and ecclesiastical offences. A less extreme form of persecution is where a man is not subject to fine or imprisonment, but is excluded from certain public offices, if he does not belong to that Church which the State approves. This kind of union between Church and State did exist in England long after the Reformation, as may be proved from the Conventicle Act, the Test Act, and others of a similar nature. But these Acts are now all repealed; it is admitted by all that now no man is to incur civil disabilities on account of his religious opinions. When Baron Rothschild took his seat in the House of Commons, that question was finally settled. And it is well that such a union as this between Church and State should be abolished: for it is now generally admitted that it is not the business of the State or of the Government, as such, to declare what is, and what is not religious truth, or to enforce upon the citizens any one form of doctrine or mode of religious worship. The great fundamental principle of the Reformed Churches, is the right of private judgment, the right which a man has to render an account of his religious opinions, not to his fellow men, but to God alone. This kind of union therefore between Church and State is open to very serious objections.

In the second variety, the State-paid Church, the union between Church and State will be on the following terms:—The State will say to the Church, "I do not myself undertake to enquire into or to teach religious truth, but still I feel that it is necessary for the temporal well-being of the citizens that religious principles should be kept up among them, and therefore I am willing, out of the public funds entrusted to me, to pay a certain sum for the support of religious teachers; and, as you represent the religious opinions either of the absolute majority, or at least of the majority of educated men in the country, I am willing to pay this sum to your teachers, if you are willing on the other hand to give me a certain control over your arrangements, so that I may be satisfied that your teachers are men qualified for their work, and that their teaching will be such as to contribute to the general wellbeing of society." This kind of union exists in France, where the priests of the Roman Catholic Church, and not they only, but also the Protestant ministers of certain acknow-

ledged and recognised sects, and even the Jewish Rabbis, are paid by the State out of the annual revenue, and where the expenses of keeping up public worship appear in the annual Budget in the same way as the expenses of keeping up the army and navy. Is it well that this kind of union between the Church and the State should exist? If the Church has no revenues of her own, and therefore her only choice is between accepting a pension from the State, or being entirely dependent upon voluntary contributions, it is better for the nation generally that this union should exist, though there is always this danger about it, that the State, having the power of the purse, may make undue encroachments upon the liberties of the Church.

The third kind of union between Church and State is that which happily exists in England, where we have neither a State-enforced, nor a State-paid, but only a State-recognised Church. The State does not pay the ministers of the Established Church, or draw the funds necessary for their support from the resources of the nation generally. But the State does give a special recognition to the Church and her ministers, and in return for this the State claims and exercises such a control over her and them as will ensure that the ministers—at all events the chief among them, the bishops—shall be duly qualified men, and that the creed and form of public worship shall not be greatly at variance with common sense, with the traditionary feelings of the nation, or with the wants and requirements of the nation at the present time. The union between Church and State, as it now exists in England, amounts to nothing more than this, that the State gives to the Church of England and her clergy, a public recognition of their services as ministers of religion, such as it does not give to the ministers of the various sects; and the State in return exercises a control over the discipline and internal arrangements of the Church of England, such as it does not exercise over those of the sects.

The opponents of State Churches, especially the lecturers employed by the Liberation Society, are very fond of asking Churchmen on what theory or principle they would found an Established Church in a country where no such Church had hitherto existed. They say that the State must establish either that Church which is supported by the majority of the people, or that which is believed in by the king or the rulers, or else, abandoning both the majority theory and the royal theory, must take up what is called the absolute truth theory; and then they proceed to raise a variety of objections to each of these theories. But the question, put in this general form, is one which Church defenders can scarcely in fairness be called upon to answer. If we were to go to a tailor, and ask him what kind of coat he thought would best suit the human race in general, or the

abstract idea of humanity, or the ideal man, he would tell us that he recommended different kinds of coats to different customers according to their differences in age, personal appearance, profession, and rank in society; that he must know who and what a man was before he could say what kind of coat would best suit him, and that therefore he could give no opinion as to what kind of coat would suit the abstract or ideal man. If we say that, in the circumstances in which England is placed, an Established Church is an advantage to her; and also that, as a general rule, an Established Church, where it can be had, is an advantage to a nation, we are not therefore bound to leave the practical for the purely speculative and theoretical, and to lay down precise rules as to what circumstances will enable a nation to have, and what will preclude it from having, an Established Church. In a country where the religious public is divided into a number of rival denominations, not one of which has any decided historical, intellectual, or numerical superiority over the rest, it will be very difficult, if not impossible, to have an Established Church. In the United States of America the variety of religious beliefs is such that no one denomination includes within its pale more than a small minority of the population, both as to wealth, intelligence, and numbers; and, therefore, while this state of things continues, it would be vain to attempt to found an Established Church. How far this state of things is favourable or unfavourable to the spread of true and vital religion, may be judged from the following extracts from a publication emanating from the United Presbyterian and Congregational bodies in America. It is entitled, "A Plea for Home Missions," and is dated 1858, that is, before the recent civil war, which is generally supposed to have made a change for the worse in the moral and social condition of the people, at all events, in New York and most of the Northern States. The results of pure voluntarism in America are thus described. Under the head "*Alarming Religious Destitution*," the writers say, "Our confidence in the final triumph of Christianity upon these our shores is not based upon any apparent nearness of that great consummation. Indeed, we can hardly contemplate the present condition of our people without dismay. In high places and low, among officers of state, in circles of wealth, over broad regions of rich farms and plantations, and in centres of trades, we seem to find a terrible corruption, an appalling faithlessness, venality and boldness in wrong-doing. When we begin to enquire into the circumstances which explain the possibility of these things, we discover alarming religious destitutions, destitutions which amount to something worse than mere want, to an obstacle, and even an hostility; the destitutions and the wickedness mutually aggravating each other." Under the

head "*Rivalry of Churches—Sectarianism*," the same writers add, "There is a dearth of men. . . . We may not shut our eyes to the fact that this want must continue so long as an unfortunate division of the field continues, which must ever come from divided counsels, and sectarian rivalries. Destitutions are likely to last while alienations last." Under the head "*Rivalry of Churches*," we are told "Every denomination naturally feels that it must be strong in the centres of population; and so, without asking whether the Church of Christ needs so many congregations there, we crowd our five, or, now-a-days, our six separate enterprises, of as many rival names, into a little place where two Churches would do more good than the half-dozen." And, to give but one extract more, under the head "*Bad Effects*," we read, "A consequence of the over-crowding of one portion of the missionary field is the destitution of other portions, while many villages are so well supplied as to leave pastors and Churches leisure to quarrel. Many rural districts and young communities are almost totally neglected. On a system so unfortunate as this, the destitutions of the country are not supplied, and we hear from all quarters the cry, Send more labourers into the harvest." We have the same cry in England from many a populous parish, from many an over-worked clergyman. But, in many other respects, the gloomy description given above, does not apply to us. Owing to the decided preponderance of our Established Church, the evils of the rivalry of Churches are not felt, or at least, not to the same extent. Owing to our admirable parochial system, no rural district or young community is without its carefully ordained and State-recognised pastor. On every ground, therefore, but especially on the ground of its decided superiority even as to numbers, and yet greater superiority as to wealth and intelligence, not merely over any one other single religious body, but over all the other religious bodies united, we may fairly say that our Episcopal Church is entitled to be the Established, the State-recognised Church of England. We do not claim that it should be either a State-enforced, or a State-paid Church.

CHAPTER III.

ON THE ADVANTAGES OF AN ESTABLISHED CHURCH.

THE first and highest advantage of an Established Church is, that it tends to promote the glory of God. We fully admit that in nations where there is no Established Church there are many individuals who, as such, do

honour and glorify God. But the nation, as such, does not make any sufficient recognition of God; the State, being wholly separated from the Church, refuses to deal with religion, and confines itself entirely to secular matters. And this is not well; there is such a thing as national existence as well as individual existence, though the former is confined to this world, and the latter continues for ever. And therefore a nation, as such, should acknowledge and glorify God, and not leave this to be done by individuals. Nor is it a sufficient reply to this to say, as some Nonconformists have said, that whether a nation does or does not glorify God, depends on whether the majority of its citizens, are or are not God-fearing men. The Jewish nation, when our Lord was born, contained but few godly men, yet, by its temple and its synagogue services, it made a public recognition of the true God, such as was not then made by any other nation. Our Lord approved of this; He attended these services. He said on one occasion: "*Salvation is of the Jews*"; and on another, "*The Scribes and Pharisees sit in Moses' seat, all therefore, whatsoever they bid you observe, that observe and do.*" The best and most effectual way in which a nation can acknowledge and glorify God is, by giving some public national recognition to the services of God's ministers, such recognition assuming or not assuming the form of pecuniary contributions, according to the circumstances of the case. It may be suggested that this might be just as well effected by the State giving a public recognition to all ministers of religion, as by giving it to the ministers of one particular Church or body. But, if this were tried, where would the State draw the limit; how could it decide who were, and who were not ministers of religion? Suppose it takes as a test the existence of a sufficient congregation. If A, B, and C, and D were to meet together regularly for prayer and reading the Scriptures, and D was always the person selected to pray and to read, ought that to constitute D, in the eyes of the State, a minister of religion? If it be replied, that an average congregation of three would not make a man a minister, but an average of thirty or of three hundred would, it may be asked, How about twenty-nine, or about two hundred and ninety-nine? And how would it be if a man should have a good voice, and get together a large congregation, and then through ill health should lose his voice, and his congregation dwindle down to nothing? Must the State say to him, "You are very hoarse at present, we cannot any longer recognise you as a minister of religion"? Or suppose the State takes as its test the possession of education. A clergyman of the Church of England must be, to some extent at least, an educated man. No bishop will ordain a man unless he can read the New Testament in the language in which it was originally written, and translate it in a creditable manner

from Greek into English. In some of the sects a man has to be ordained, and to pass a regular examination in theology before he is acknowledged as a minister. In others nothing of the kind is required. Hence a Nonconformist minister may be well educated, or partially educated, or wholly uneducated. It is even possible that such a minister may not be a man at all; for some of the more obscure sects have female ministers and teachers. And then again, if the State were to adopt the plan advocated by Viscount Amberley in a recent article in the "Fortnightly Review," and to afford equal countenance and encouragement to religious teachers of very opposite opinions, equal to the Jew, who is still waiting for his Messiah, to the Christian, who says the Messiah has long since come, and to the Socinian, who says there never has been, and never will be any Messiah, the State would seem to favour the notion that religion after all is only an ingenious contrivance to make things go on smoothly, that there is no kind of certainty about it, that all religions are equally true and equally false. This plan is adopted in France, where, as was stated in a former chapter, equal stipends are paid by the State to Romish Priests, Protestant Presbyters, and Jewish Rabbis. All who know France are aware that its religious condition is most unsatisfactory, that infidelity prevails in all ranks of society to an extent which we in England can hardly realize. One advantage, therefore, of an Established Church is that the nation is thus enabled publicly to testify its reverence for religion and for God.

Another advantage flowing from the union of Church and State is, that a higher class of men are induced to become ministers. Without speaking disparagingly of Nonconformist ministers, we may assert as a well-known matter of fact, that if we take at random a hundred of our clergy, and a hundred Nonconformist ministers, we shall find a much larger proportion of the former belonging to the upper, or the upper middle ranks of society; and it is a very decided advantage to a nation, that the religious teachers of that nation should, in point of social position, apart from their ministerial office, stand on a somewhat higher level than the majority of their hearers. Some bring forward the argument that our Lord chose His apostles from among the poor and ignorant—an argument not a little weakened by the fact, that the most successful preacher amongst the apostles, St. Paul, was a man of great learning, and a Roman citizen,—a privilege which, at that time, in the eastern provinces of the Roman empire, would probably give him a social position similar to that now conferred among us by the title of knight or baronet. But, even if we put his case aside, it is hardly fair to argue that because the apostles, or most of them, were poor and ignorant men, therefore poor and ignorant

men are more likely than others to be able and efficient ministers. The apostles were poor, both before and after their call to the apostolic office. But then, if they had no money to give away, they had something else to give, which, even in a mere worldly point of view, was worth more than money. "*Silver and gold have I none,*" said St. Peter to the lame man, but then he added, "*In the name of Jesus Christ of Nazareth rise up and walk.*" The power of walking was worth more to the lame man than a purse full of silver and gold. The apostles, it is said, were ignorant men. When? Before or after their call to the apostolic office? Before, and only before. Our Lord's promise to them was, "*I will give you a mouth and wisdom, which your adversaries shall not be able to gainsay nor resist.*" So that arguments based upon the original social position of the apostles, and brought forward to show that ignorance and poverty are recommendations rather than drawbacks in the case of Christian ministers, do not really amount to much when carefully looked into. On the contrary, the general experience of mankind is, that if a man's business be not to flatter people, not to make them well pleased with himself or with themselves, but to teach them, to tell them what they ought to do, how they may best avoid something evil, or gain something good, he will be more likely to effect his object by speaking down to them, than by speaking up to them, —by letting them see, of course in a courteous and delicate manner, that he is rather conferring a favour on them by speaking, that they on him by listening. Let us take an illustration of this from the experience of another profession. Farmer A. eats a particularly good dinner, has in consequence a particularly bad fit of indigestion. Doctor B, the aristocratic and fashionable physician, is sent for in a hurry; he comes, sees how the case stands, tells Farmer A. that he will probably be able to get him through his present attack, but that if he eats another such dinner, a worse attack will follow, and a few more such dinners will make a speedy end of Farmer A. Dr. B. is called in to see her ladyship, the Countess, who is suffering in precisely the same way from precisely the same cause. The Doctor, being a well-bred man, perceives that her ladyship's indisposition has arisen from some mysterious decree of Providence, and not from any fault of her own; he also perceives that her ladyship's nerves and constitution, are, like herself, delicate and refined, he therefore thinks that upon the whole, heavy substances had better be avoided, and that if this be done, the decree of Providence will probably be found to be, that her ladyship should not have another such attack of indisposition. Her ladyship will be more likely to have a second attack than Farmer A. To be plainly told one's faults is always disagreeable, but it is sometimes useful. Our Lord knew the heart of man, and therefore He always put His

apostles in a position in which they could speak down to, and not up to their hearers. St. Paul, when he stood on Mars Hill, spoke down to his hearers, the Stoic and Epicurean philosophers of Athens. Eloquence, wisdom,—these were their idols; and he showed them that he had an eloquence and wisdom far surpassing their own. St. Paul stood and spoke in chains before the Roman governor; but the man who trembled was the governor, not the captive. The tendency of an Established Church is towards securing a ministry whose social position will be above that of the majority of the population. There are indeed other things which may exercise quite as great, or even a greater influence on the position of the clergy. A Church not connected with the State, whose patronage is administered on what may, by way of distinction, be called the aristocratic plan, will be more likely to attract an elevated class of men to its ministry, than a Church connected with the State, where the patronage rests entirely with the people. But as the tendency of Church Establishments is in this direction, we may fairly put this down as one of the advantages flowing from the union of Church and State.

A third, and a yet greater advantage of a Church Establishment is, that it tends to place the Church, the national Church, on a broad basis. And this is a very important thing. Many object to being called Broad Churchmen, because the term Broad Churchman seems just now to be attached to a certain party in the Church who are supposed to hold views about the Atonement different from those which have hitherto prevailed in the Church; and also to have doubts as to the plenary inspiration of portions of the Scriptures. And therefore many of those who hold the Catholic orthodox view as to the doctrine of the Atonement, and who thoroughly believe in the inspiration of the whole of the Scriptures, do not wish to be called Broad Churchmen. Yet they do not wish to be called Narrow Churchmen, and, were it not for this peculiar and unfortunate circumstance, the title of Broad Churchman would be most honourable and worthy of all acceptance. Sincere and loyal Churchmen will ever look upon the Church as the ark of safety, that which preserves men from being tossed to and fro, and driven about with every wind of doctrine; and we want a large ark, and not a little ark; a broad ark, and not a narrow ark, when we see so many thousands of perishing sinners around us. Great is the contrast in this respect between our Church and the sects that surge up around her. Nonconformists often bring forward as a reproach against the Church, that men of such opposite sentiments on many points are found within her pale. So long as these men are agreed in the essential doctrines of Christianity (and all who honestly subscribe our formularies and articles will be thus agreed), the fact of there being

so much difference of opinion between them, is not a reproach, but rather a credit to the Church. It is a credit, inasmuch as it shows, that while the principle of authority is duly upheld in our Church, the principle of liberty, of freedom of discussion, is fully recognised also; inasmuch as it shows that our Church is a national Church, and not a sect.

In matters of religion, as in worldly matters, men will differ, for no two minds are constituted exactly alike; the only way of preventing differences, is by crushing all freedom of thought; by laying down the principles of absolute authority, and implicit obedience. In an Established Church like ours, differences will exist, and the great aim of all truly wise and moderate men will be to keep them, or at least the expression of them, within the bounds of soberness and charity. In a sect they will not exist, for the very obvious reason, that when strong differences spring up among sectarians, the almost certain result is an increase in the number of sects. One sect is soon split up into two or more, and very often each denounces with the utmost bitterness those who belong to the other. We might refer to the recent history of the sect called the Plymouth Brethren, as a striking illustration of this. One often hears about the rapid multiplication of Nonconformist places of worship in England, as contrasted with the comparatively slow (we say comparatively, because the reports of our Church Building, and other kindred societies, show that really it is not so slow) increase of our churches. When we hear this talked about, and boasted over, we should enquire how many new chapels are built because the old one is too small to hold the worshippers, and how many because the old chapel is too hot to hold them, or rather because they are too hot-tempered to be held within it; their hot tempers being aroused either because they differ as to some unimportant questions of doctrine or discipline, or—which is yet a more fruitful source of difference—because three-fifths of the congregation like the Rev. A. best, while the remaining two-fifths prefer the Rev. B. A Church Establishment tends to check these evils. Persons who are hot-tempered, and disposed to go to great lengths against those who differ from them, feel that they must not go too far; for, where there is such an establishment, they may by their violence succeed in turning themselves out, but they certainly would not succeed in turning those out against whom their violence was directed. We might multiply instances. We might show, as one instance, how our Church includes both Arminians and Calvinists within her pale, while of the sects some insist upon Arminianism, and some upon Calvinism, as a condition of membership, or at least of holding office among them.

Another advantage of an Established Church is, that such a church will be far less likely to make sudden and rash changes in her formularies and

modes of conducting public worship. Before she can do anything she must consult the State; and the State, having many other things to attend to, does not wish to be perpetually consulted as to ecclesiastical changes; but if things in the Church go on moderately well, inclines to keep them as they are. When we look at the many and various waves of opinion in our Church that have risen up and then sunk down again within the last hundred years, we have every reason to believe that it was only our connection with the State which saved us from one or other of two evils, either a large secession of men of piety and learning from our ranks, or a series of hasty and injudicious changes in our Liturgy and formularies. This argument in favour of an Establishment has been objected to on the ground, that it places the Church in a humiliating aspect, as though it were a child which could not be trusted to do anything by itself. But there is nothing humiliating for one deliberative or legislative assembly to have its resolutions reconsidered, and, if necessary, amended by another before they become laws binding on the people. In England all Bills, before they pass into laws, must be approved by the Crown, the House of Lords, and the House of Commons; and in the United States of America by the President, the Senate, and the House of Representatives.

Another advantage of an Established Church, and the last which will be mentioned, is that such a Church, if the definition of it given before be correct, will have a territorial organization co-extensive with the country in which it is established. In other words, where there is an Established Church, there will be found in every district, a minister of Christ, approved by the highest authorities in Church and State, as a man qualified to discharge his important duties, and discharging them under the supervision, not of a few persons, who, as holding his own particular views, might be disposed to screen his faults, but of the general public. The whole of England is divided into parishes, and in each of the parishes is a man called the parson, or the parish priest. And this is one of the chief sources of the immense strength of the Church of England. Not in large towns only, but in every village, every hamlet, there is at least one voice ever raised in her favour, one building, whose heavenward pointing spire proclaims that the Church of England is there, striving to teach her children which is the way that leads to heaven. And does the man, does the building, remind only of the Church, the Established Church? Do not they also remind of that which is far higher and nobler still, of the Church's risen Master and ascended Lord? We do not deny or ignore the efforts which the sects have made to provide religious instruction for the people. It is quite true that in very many places one or more chapels are to be seen beside the church. But there is one great distinction

between the church and the chapel, which even Nonconformists themselves will admit. Where is the chapel built? Wherever there are sectarians, belonging to one and the same sect, numerous enough and rich enough to build and maintain the chapel. Where does the church stand? Wherever there are souls to be saved, wandering sheep to be brought back to the fold, there stands the church, there the Sabbath-bell is heard, calling to the house of prayer. And then one chapel is not necessarily like another chapel, as one church is like another church. There may be two chapels in a district, and in the one the Divinity of Christ, and His atoning sacrifice will be denied, while in the other they will be affirmed. And the one is a chapel just as much as the other. There is no clear broad mark of distinction between them, such as every one can see. The ignorant wayfaring man, knowing very little about religion or theology, yet feeling in his conscience something which tells him he ought to attend a place of worship on the Lord's Day, is just as likely to enter the one of these chapels as the other. Throughout the length and breadth of our land, our Church, as to essentials, teaches the same doctrine, every building under her control resounds with the glorious truth that Christ is very God as well as very man, that He died for our sins, and rose again for our justification.

Again, where an Established Church, with her territorial organization exists, there every man can obtain for himself and his family the ordinances and sacraments of our religion as a matter of right, and not as a matter of favour. It would be foreign to our present purpose to enter into the question of free and appropriate churches, or to enquire whether the rights of our poorer brethren are as fully recognised as they ought to be. But it may be observed that there is no real difficulty in recognising their right to the fullest extent in our old parish churches, that is, in those churches which are supported out of the tithes, and other church revenues. The difficulty arises in churches built and supported upon the voluntary principle—that principle which our Nonconformist friends say is so peculiarly beneficial to the poor man. The law of our Established Church is, that every parishioner has a right to a seat in his parish church if he chooses to claim it. That is what the State in former times expected the Church to provide. And the State expected it, because in those times the Church was supposed to be able to support her ministers out of her own fixed revenues. The population of England has risen from four or five to twenty millions, the revenues of the Church have not increased in anything like the same proportion; therefore the Church cannot, in all cases, provide the same amount of free accommodation as she did in the days of our fathers. But we would refer not so much

to public services as to private ministrations, especially those relating to the administration of the Holy Sacraments, for these are not affected by the question as to how the revenues of an increased number of ministers are to be paid for. Many will tell you that, as to religious matters, people are more free in the United States of America, than they are here. If the matter be carefully looked into, it will be found that their boasted greater freedom consists in this—that in the United States, men are left to get religious ordinances and privileges, if they can, and where they can; whereas in England, there is a way provided whereby they may be sure to get them. Suppose a man is travelling with his wife through the United States, and a child is born on the journey, and the child is very feeble and ready to die, and the father, as a Christian man, as one who knows by experience the preciousness of sacramental grace, desires above all things that the child should be sacramentally united to Christ, that if it must die it should die a Christian death and receive a Christian burial. And suppose a man is travelling alone, and meets with a railway accident, or a sudden stroke of illness, and feeling that death is near, wishes spiritually to eat the flesh, and drink the blood of Christ, in the Holy Sacrament of the Lord's Supper. What is a man, in either of these positions, to do? He must inquire whether there be in the place, a minister of the particular sect to which he belongs, and whether he would be willing to administer to him or to his child that holy ordinance which is so greatly needed. He must ask it, not as a matter of right, but as a matter of favour. No one is in any way bound by law to give him spiritual assistance. In England, he has only, if his child be ill, to go—if himself be ill, to send—to the parochial clergyman, and that clergyman is bound to come. An Established Church enables a man to obtain spiritual advice on more favourable terms than he can obtain either legal or medical advice. Where there is no Established Church the terms are less favourable. A man can get legal or medical advice as a matter of course, provided he can afford to pay for it. A lawyer, or a medical man in practice, is bound, if not by legal enactment, yet by the usages of society, to give professional advice and assistance to any stranger who comes to him, and tenders the customary fees. The clergyman of an Established Church is bound to give advice and assistance without fees. But the minister of a sect, of a non-established church, is neither bound legally as the clergyman is, nor yet morally as the lawyer, or the medical man is; he is in the same position as the secretary of some society or club. He has been brought to a particular place by the congregation attending a particular chapel; they have brought him for their good, not for the general good—to minister to them, not to strangers. He is therefore fully

entitled as before man (we speak not of his moral responsibility before God) to say, "I have no time to attend to the dying child, or the dying man, that case does not come within the sphere of my prescribed duties." And these remarks will apply in some degree to the resident as well as to the traveller. A man may come to a place, and become obnoxious for his political opinions, or for carrying on his trade or business in a manner not agreeable to the inhabitants. If there be no Established Church, he may be cut off from all the public means of grace by the different sects refusing to receive him as a member—which they have a perfect right to do. In England, where we have an Established Church, the unpopular man has as much right to a seat in church as the popular favourite. In a word, an Established Church provides the means of grace for all; the sects provide them for those whose views are in accordance with their own. It may therefore easily be seen whether there is more freedom as to religious matters, where there is, or where there is not, an Established Church.

To recapitulate; a union between Church and State, such as exists in England, is very desirable, and by all means to be upheld: first, because thus the nation, as a nation, recognizes the importance of religion, and publicly professes itself a Christian nation; secondly, because the tendency of such a union is to bring a higher class of men, men of better social position and more widely extended education, into the ranks of the ministry; thirdly, because this union has a further tendency to place the Church on a broad basis, to prevent her from shrinking into the narrow limits of a sect, or excluding earnest, pious men from her communion, on account of mere unimportant differences; fourthly, because a Church united to the State is less likely to make hasty and injudicious changes in her formularies and modes of conducting public worship than one which is not so united; and lastly, because a national Established Church, having a territorial organization co-extensive with the nation, renders it a matter of absolute certainty that in every district there shall be a duly appointed and properly qualified man, ready to administer the ordinances and speak the truths of religion to all who may need them—a man required by public authority to do this, and not doing it simply as a matter of personal favour. There is another argument in favour of the union between Church and State, to which many Churchmen attach great weight—the argument drawn from the Old Testament, from the union between Church and State which existed under the Jewish dispensation. This argument is convincing and unanswerable when used against those who maintain that a State Church is in itself a wrong thing, and contrary to the mind and will of Christ. But the wisest and ablest of the Nonconformists would scarcely venture to affirm this; they would rather

contend that whether or not there should be a union between the Church and the State is a mere question of expediency, that though such a union may have been very desirable, and even commanded by God under the Jewish dispensation, yet that circumstances have so changed as to render it unnecessary and undesirable in our days. And, therefore, in reasoning with them, it is perhaps wiser to rest the case upon the other arguments we have brought forward,—arguments drawn mainly from the present state of things, from the actual arrangements and requirements of society.

CHAPTER IV.

ON CERTAIN ALLEGED DISADVANTAGES OF AN ESTABLISHED CHURCH.

WE may next notice certain alleged disadvantages which, in the opinion of some, are produced by a union between Church and State, and which, according to them, more than counterbalance the advantages to be derived from it. There are two entirely distinct classes of persons amongst us who take this view. The one class consists, not indeed of the Nonconformists generally, but of that section of the Nonconformists whose opinions are represented by the Liberation Society. The other class consists of a small number of Churchmen who belong almost exclusively to the extreme High Church party. The former class object to the union on the ground that it renders the Church too great, and wealthy, and powerful; the latter class on the ground that it cripples her, and renders her powerless. The former class object to the union because it secures to the Church and her ministers a special recognition from the State; the latter object because it secures to the State a certain control over the Church. The latter would only sever the union, and insist on the Church retiring from it with all her property and revenues untouched; while the former would not only sever the union, but also strip the Church of her property, on the plea that it was national property. It will at once be seen that the differences between the two classes, both as to opinions and as to ultimate objects, are very great, yet the writers for the Liberation Society express a great sympathy with these Anti-State-Church High Churchmen, and try to make it appear that they are agreed as to what they want. These Churchmen certainly do not reciprocate the compliment, for they have no desire whatever to be liberated from Church property, but only from State control. But we will confine ourselves to the objections used

by the Liberation Society. One of their most specious objections is based on a profession of deep interest in the welfare of the Church; those who bring it forward say, "How very, very sad; the Church is in fetters; what a great and glorious body she would be if these fetters were knocked off." What are these fetters? "The State," say they, "appoints your bishops, and the State will not allow you to make the slightest change in your formularies, not even to have an additional prayer about the Cattle Plague or the Cholera, without its express sanction." At first sight this looks like a serious objection; but when we look into it closely, it vanishes like smoke. Supposing that our Church, before a bishop could be appointed, or a change be made in our formularies, or even an additional prayer be used, had to ask the consent of a Council of Mahometan statesmen at Constantinople, or of Deistical statesmen at Paris, the hardship would be intolerable, the disgrace would be overwhelming. But what is the Church, the national Church, and what is the State? The Church is a religious body, formed for spiritual purposes, and having spiritual rulers, comprising within her pale either the whole, or the majority, or at all events, the most educated and influential portion of the inhabitants of a country. And the State is a political body, formed for political purposes, and having political rulers, comprising all the inhabitants of that country. Except in very special cases, such as that of Ireland, where there is an Established Church the majority of those who form the State (and, even in Ireland, the majority of those who form the ruling class in the State) are also members of the Church. Thus, really and truly, when the Church asks the State for permission to do a thing, she asks the permission of her own members. A decided majority of the whole population of England are Churchmen. A still larger majority of the ruling classes in England are Churchmen. The ruling, the most influential body in England, is, unquestionably, the House of Commons. All the Nonconformists in the House of Commons, including the Irish Roman Catholic members, do not amount to more than 12 per cent. We know that in the House of Lords the proportion of Churchmen is still greater, and the Queen and all the royal family are members of the Established Church. When, therefore, the Church asks of the State permission to do a thing, it really asks the permission first of an assembly composed of eighty-eight Churchmen and twelve Nonconformists; or, to speak more accurately, of that number multiplied by six and a half, as the House of Commons contains between six and seven hundred members. And then the permission is asked of another assembly in which the Church has a yet more decided preponderance, and lastly, of the chief magistrate, who, according to our present constitution, must be a member

of the Established Church. It is evident that, if a decided majority of Churchmen thought a revision of our formularies was desirable, the fact of our being an Established Church, the fact of the consent of Parliament having to be obtained, would form no real obstacle. A decided majority of Churchmen, both in and out of Parliament, think a revision of the Prayer Book at the present moment undesirable, and therefore the Prayer Book remains untouched. It would be just the same if the question whether it should or should not be revised rested, not with Parliament, but with some other assembly composed exclusively of Churchmen. And the same observation will apply to the appointment of bishops. That appointment rests, theoretically, with the Crown; practically, with the Prime Minister. And the Prime Minister is a man raised to his office by the general voice of the English public, of whom the majority are Churchmen. And the Prime Minister knows that the appointment of Bishops is one of the most important of his duties, and one in which he will be most closely watched by the organs of public opinion. Indeed it may perhaps with truth be said that bishops at present are appointed nominally by the Crown, but really by public opinion, the Prime Minister doing his best first to ascertain what that opinion is, and then to conform to its directions. To prove the truth of this, let us suppose the case of a Prime Minister attempting to appoint to a bishopric a man, we will not say of immoral character, for the very idea is revolting, but a man whose religious opinions were generally looked upon as unsound. Can it be supposed that, in the present state of public opinion, it would be possible for Queen or Prime Minister to make Dr. Colenso an English bishop? Would not the Prime Minister who attempted it be driven from office within a week after Parliament met? So, after all, the appointment of bishops rests with a man of great experience and sagacity, who represents the views and opinions of the majority among the ruling classes in the nation, of which by far the larger portion are Churchmen. We admit that it would be a hardship for a sect, for the Wesleyans, for instance, to have to apply to the House of Commons for permission to appoint a President of their Annual Conference. And this because the majority of the House of Commons know and care very little about Wesleyanism. For the same reason it would also be a hardship for our younger, but much respected sister Church, the Episcopal Church of America, to have to apply to Congress about the appointment of her bishops. But with a National Church the case is widely different. Many would like to see, not more liberty of action, but more energy of action, in our Church; would like to see in each diocese a Diocesan Synod, composed of both clergy and laity, and the present Convocation, which represents nobody, entirely abolished, and

in its place a General Assembly, not wholly dissimilar to the General Assembly of the Established Church of Scotland, and fairly representing the views and feelings of all ranks and classes of English Churchmen. Why do not these things exist? Not because the Church is united to the State, but because the majority of Churchmen do not as yet feel that these things are really desirable; some lack energy, and others are wholly engrossed with the unfortunate disputes about unimportant matters, which at present mar the symmetry and impair the usefulness of our Church. Many would like to see these Diocesan Synods, or this General Assembly, taking part in the appointment of bishops, by some such arrangement as this, that, when a bishopric falls vacant, the Premier, as the representative of the whole English nation, should select three or four men whom he considers competent, and then the choice of one of them should rest either with the Synod of that particular diocese, or with the General Assembly. All such arrangements might easily be carried out without in the slightest degree interfering with the union between Church and State. So that instead of the cry, "The Church is in fetters," one might, with far greater truth and propriety, raise the cry, "Churchmen are asleep;" for a long time they have not used their rights, and therefore it is fancied they have got none.

The other great objection raised against a Church Establishment is that it tends to make the clergy too rich, too indolent, and too independent of the people. The consideration of this objection will more properly belong to subsequent chapters, in which we shall discuss the subjects of Church Property and Church Patronage. The writers of the Liberation Society mix up together two things which are entirely distinct: the question of Church Establishments, and the question of Church Patronage. An Established Church may be a very poor Church, if her ministers are wholly dependent on salaries paid by the State, and those salaries are small. This is the case now with the Roman Catholic Church in France. And a non-established Church may be very rich, if it have large endowments, derived originally from private munificence. Probably the richest church in the world, or, at all events, the richest Protestant church (the word church being used here in its more narrow sense to denote a religious building, with the staff of ministers engaged in performing its services), is an Episcopal church, Trinity Church in New York. And that happens not because it has been in any way favoured by the State, but because certain lands were given to it at a time when they were of little value, but since then a portion of the city of New York has been built upon them, and the rents are enormous. And, again, there may be an Established Church, with its patronage on the democratic principle, that is to

say, where the people choose their own ministers; one or two parishes in London are on this plan: the election of the rector or vicar rests with the ratepayers—a wider extension of the suffrage than would find favour even with our Liberation Society friends, for most of them would limit the choice of a minister to the communicating members of the chapel where he is to officiate. And there may be a sect with the patronage on a very close oligarchical plan. A wealthy man may found a new sect, or join himself to a new sect, build and endow a number of chapels throughout the country, and direct that the appointment of ministers should be vested entirely in a narrow body of trustees, or even in his own heirs and executors.

Perhaps the simplest and best answer to such objections as that the Church is in fetters, and that the clergy are too rich and indolent, and too independent of the people, is by pointing to practical results, to the actual state of things before our eyes. Nonconformists are very fond of dwelling upon the facts that the Church of England does not appoint her own bishops, and cannot increase their number without the consent of the State. We have already seen that the bishops are appointed, nominally by the Crown, but really by the Prime Minister, who is the representative of the nation, and is greatly influenced, if not altogether guided in his choice, by the opinion of the educated classes. And whatever may have been the case in past times, in the present day, owing mainly to the force of public opinion which is brought to bear upon the Premier as to his Episcopal appointments, the plan works well. Look at the English and Irish bishops who have been appointed during the last thirty years! We do not say that they are all perfect men, but is there one of them who by his improper conduct or his objectionable tenets has brought discredit upon his order? Not one. No irregularity of life has been imputed to any of our bishops, and only one is charged with heterodoxy, and that not an English or Irish, but a Colonial bishop. And if no increase has as yet been made in the Episcopate, it is not because the Church is in fetters and impeded by the State, but because the majority of Churchmen are hardly as yet fully convinced that such an exercise is greatly needed. It is also urged by our opponents that the Church at present has not the power either to punish immoral clergymen, or to remove inefficient clergymen. In regard to immoral clergymen, who happily are very few, it is possible that the Clergy Discipline Act, which regulates such matters, may require revision, but this can be done without disturbing the connection between Church and State. No sensible man would take down all the window frames in his house, because one pane of glass happened to be broken. He would mend that pane, and leave everything else as it

How to deal with a clergyman, who is irreproachable as to character and doctrine, but who, from age or infirmities, has become incompetent, and cannot afford an assistant—this is certainly a very delicate and difficult question. A Clergy Superannuation Fund, if well supported, would be a valuable addition to the resources of our Church. But a separation of Church and State is not the most effectual step towards raising such a fund.

Nonconformists, who object to the present union between Church and State, must object on one or other of two grounds: either on the ground that it is injurious to the Church to which they do not belong, or on the ground that it is injurious to the State to which they do belong. If they take up the former ground, all that Churchmen have to do is to say to them in a very courteous, but at the same time in a very decided manner, "You mind your own business; when we come and interfere with your chapel arrangements on the ground that you do not know how to provide for your own comfort and convenience, then will be the time for you to interfere with our Church arrangements." This plain way of putting the thing at once gets rid of all the idle talk about the Church being in fetters. If it is in fetters, the fetters are worn by Churchmen, and not by Dissenters; so that anyhow it is no concern of theirs. If a man choose to walk about the streets with an iron collar round his neck, it may look ugly, but it hurts nobody but himself, and the police have no right to take him up for wearing it. But, if a Nonconformist takes up the other ground, and says that the union is injurious to the State, and to himself as a member of the State, then we may ask him in what the injury consists. He cannot, without deviating from truth, say that it is a pecuniary injury, because our Church derives no pecuniary benefits from her union with the State. If we could get at the real grounds of the soreness which so many Dissenters seem to feel about the union of Church and State, we should probably find that it arises mainly from what we may call a thinskinness, or morbid sentimentality. The Dissenting minister feels that the general public do not regard him as quite so big a man as the Church parson, and the Dissenting elder has the same feeling when he meets the churchwarden of the parish. We have every respect for the feelings of our Dissenting brethren, we are really very sorry for them, we would gladly make both the Dissenting minister and the Dissenting elder a little bigger if we could, but we cannot see why we should materially alter the constitution of the British Empire in order to appease their wounded pride, especially as it is entirely by their own choice that they have become and still continue Dissenters.

CHAPTER V.

CHURCH PROPERTY NOT NATIONAL PROPERTY.

THE object of this and the two following chapters will be to show that the revenues of the Established Church are not National Property, or in other words, that there is one kind of property in England which may be properly called Church Property, and another kind which may be called National Property, and that the two are quite distinct, the Nation having no more right to claim the property of the Church than the Church has to claim the property of the Nation. Before we can fairly discuss the question whether Church property is, or is not, national property, we must have before our minds a clear definition of the terms Church Property and National Property. If we do not have this, arguing that Church property is or is not national property, is like arguing that x is or is not y ; we must know what x is, and what y is, before we can tell what are the relations in which x stands to y .

What then is Church property? We all know what property is. Property is that which belongs to some one; a material substance over which one person, or a number of persons, have claims or rights from which the rest of mankind are excluded. Air is not property, because all alike are entitled to the benefit of the fresh air. For the same reason the open sea is not property, neither is an unoccupied tract of land which the foot of man has never trodden. Church property then is property over which the Church, that is, the members of the Church, have certain claims or rights from which other men are excluded. What then is the Church, or a Church? We have given in a former chapter a definition of an Established Church, but we need not now advert to that, because for a Church to have property is one thing, and for a Church to be established is another thing. The Episcopal Church of America has property, but it is not an Established Church. The Roman Catholic Church in France is in a manner established, for we know that its ministers are paid by the State; but it has little or no property,—all its property having been confiscated in the first French Revolution. We turn, therefore, not to our definition of an Established Church, but to our more general definition of a Church. A Church we defined to be a religious body, formed for spiritual purposes and having spiritual rulers. A State or a Nation we defined to be a political body, formed for political purposes and having political

rulers, and comprising all the inhabitants of a particular district or country. If then the Church be distinct from the State, that itself is a very strong argument to prove that the property of the one is not also the property of the other. If John Smith senior, and John Smith junior, are two distinct persons, both of them capable of holding property, and Smith junior wears a hat, and openly and in the presence of Smith senior, says, "That is my hat," and Smith senior does not object to his wearing the hat, or to his saying, "That is my hat," the natural inference is that the hat really does belong to Smith junior and not to Smith senior. If a Church has for very many generations held property, and treated and regarded it as her own property, and the State has all the time acquiesced in this, the natural inference is that that property does belong to the Church, and not to the State. There is such a thing in law as the right of prescription. If A holds an estate, and his fathers and ancestors, up to the time of Queen Elizabeth, also held it, a court of law would hardly listen to B, if he came forward and said that he ought to have it, because his ancestors in the time of Queen Elizabeth were wrongfully dispossessed of it by the ancestors of A; or because A's ancestors gave it to his ancestors without sufficient consideration, and at a time when it was of comparatively little value.

It may be said, if the Church be a spiritual body, what has it to do with worldly property? The answer to this objection is to be found in the Acts of the Apostles. We do not find there much about an Established Church, because the State and its rulers were at that time bitterly hostile to Christianity, and there could therefore be no union between Church and State. But we do find something about Church property. We read of persons selling their estates and laying the purchase money at the Apostles' feet, so that it at once became Church property. And this is just the way in which the Church of England has acquired perhaps the whole, certainly very nearly the whole of her property, by persons giving to the Church lands, or perpetual charges on lands, or leaving them to her by will. The property thus handed over to the Apostles clearly became public instead of private property, for that section of the Jewish public which had become converted to Christianity were all interested in its management, and were all entitled to receive help from it if they were in need. But will anyone venture to maintain that it also became State property, and that Pontius Pilate, as the Roman governor, the representative of the State, had a right to apply it, if he thought proper, towards the military and other expenses of the Roman government? It may be said he had nothing to do with it, because the Christian was not then the Established Church. Suppose it had been; suppose the conversion of the

Roman empire had taken place 300 years sooner, and Nero instead of Constantine had been the first Christian emperor, would that have caused the money laid at the Apostles' feet to become Nero's rightful property?

No intelligent man should allow himself to be led astray by the very transparent sophism sometimes brought forward, that, because Church property is public property, it is also national property. To see through it we have only to reflect a little as to what is meant by public and by private property. Private property is that which belongs to private individuals, and which they can use or spend at their own pleasure in any way not inconsistent with the laws of the land or with the particular tenure on which they hold the property. Public property belongs to a large number of persons, and may be used either for the exclusive benefit of those to whom it belongs, or for them and others besides. And sometimes it belongs to them absolutely and unconditionally, and sometimes it belongs to them subject to certain conditions imposed by the person who gave it. If the property be given unconditionally, and the number of persons to whom it belongs be co-extensive with the nation, then, and only then, does it become not only public, but also national property; national property being property which belongs to the whole nation, and equally to every member of it; and which the nation has a perfect right to apply for any purpose it thinks fit. In some cases it is rather hard to draw the line between public and private property. If a man leaves to trustees money for the building and endowment of a Baptist chapel, does that money become public, or does it remain private property? Much will depend upon the way in which it is left. If the man leave it simply with a view of spreading Baptist views and principles among the public generally, intending the chapel to be as it were a missionary chapel, and clearly intimates it to be his wish that the money should not be diverted to any other purpose, then it will become public property, that is to say, property held by trustees upon trusts intended to benefit the public in a particular way. But, if he leave it rather as a matter of investment, intending that the pew rents and other revenues of the chapel, after paying the minister's stipend and other necessary expenses, should go to his own family, and if he give power to the trustees, should the investment prove unremunerative, to sell the chapel and invest the money in some other way for his family's benefit, then the trust would be a private one, and the money would remain private property. In the former case the State, through the Court of Chancery, or other courts, would probably exercise a stricter control over the property than in the latter case. If the trustees appointed, after accepting the trust, neglected to build the

chapel, or to keep it when built in proper repair, or to appoint a suitable minister, the State, or rather the Court of Chancery, which in all such cases is the instrument through which the State acts, would interfere and compel them to do their duty; and if they were found utterly incompetent, would remove them and appoint fresh trustees. The State would do this, not because it is its business to help in the spreading of Baptist principles, but because when persons come into possession of property under an express contract that they shall apply it in a manner which will be, or at all events is supposed and intended to be, beneficial to the public, then it does become the business of the State to enforce the due performance of the contract. The State might possibly interfere even in the other case, where it was a private trust, if the testator's family complained that the trustees by neglecting their duty were inflicting on them a loss of income, but it would not be so ready to take cognizance of it as if it were a public trust. If we bear this in mind we shall see on what principle it is that the State has from time to time interfered with the management of Church property. In the case we have supposed, the property becomes public property, and also Baptist property; and yet it is not Baptist property in such a way that the Baptists can use it for building and endowing chapels in any part of the country. The chapel must be built in the particular locality indicated by the testator. If he had left the money for building and endowing Baptist chapels generally without restrictions as to locality, then it might have been called general Baptist property; but in the case supposed, as its application is limited to a special place, we presume it should be called special Baptist property, and yet it is public property, inasmuch as it is intended for the public benefit. This is worthy of special attention, because by far the greater portion of Church property has been given or left in this way for the benefit of Churchmen living in one particular parish, and not for Church purposes generally.

We are told by some that the Church of England is a national Church, and therefore its property is national property. Let us apply this argument to a particular case. The Prime Minister is a public man, the representative of the nation, a national man, therefore all his property is national property. It is to be feared that, if this view were generally adopted, very few of our rich men would be willing to undertake the office of Prime Minister. But probably those who maintain that Church property is national property would put the matter in this light, that the property originally came from the nation, was lent for a time by the nation to the Church, and can be resumed by the nation at its pleasure. This seems to be the view taken by the Liberation Society in

their publications. Their case in regard to Church property appears to be this: Church property originally belonged to the nation, was lent or given by the nation to the Church for a time under the impression that the Church would make a better use of it than the nation itself could; that impression is now passing away, and therefore it is better for the nation to get the property back under its entire and exclusive control. Let us see how far facts agree with the Liberation Society's case as thus stated, what light is thrown upon the subject by the past history of England.

Church Property consists of glebe lands and other lands which for centuries have belonged to the Church; of the parochial and other tithes levied on certain kinds of agricultural produce; of funded and other personal property in the hands either of the Ecclesiastical Commissioners, or of private trustees; of the buildings and parsonage houses which have either belonged to the Church for centuries, or have been erected in modern times for the exclusive use of that Church and her ministers, just in the same way that Baptist chapels and ministers' houses have been erected for that sect and her ministers. Besides, there are Church rates and Easter dues, which are sometimes considered as Church property; but we exclude these from the Church property of which we have to speak; and we exclude them for this reason—not because we have the slightest doubt that, under the present arrangements, the Church has a perfect right to receive them, but because it may be urged with considerable force that they belong to our Church as the Established Church, and that, were she to cease to be such, her claim to them would also cease. And the object of this and the following chapters is, not to discuss the point whether the Episcopal Church ought or ought not to be the Established Church of this country, but rather to show that our Church is entitled to retain her property whether she continues or whether she ceases to be the Established Church, just in the same way that the Wesleyan or the Baptist sect is entitled to the property which has been given or bequeathed for its use. We will therefore confine our remarks to what may, in the strictest sense, be called Church property.

The two works in which the case of the Liberation Society is most clearly and ably stated, are first, a pamphlet entitled, "Tithes, the Property of the Public and the Poor: a Legal Argument, by William Eagle, Esq., Barrister at Law," and secondly, a much larger and more pretentious work, called "The Title-deeds of the Church of England to her Parochial Endowments, by Edward Miall, Esq." We propose to examine the principal arguments of Mr. Eagle in the next chapter, and those of Mr. Miall in the chapter following.

CHAPTER VI.

SAME SUBJECT CONTINUED.—MR. EAGLE'S ARGUMENTS EXAMINED.

THE opening words of Mr. Eagle's book are "The questions to be considered in this argument are, first, whether tithes in the hands of ecclesiastical persons are in any way, and in what respect, to be considered as public property; and secondly, whether, in regard to both ecclesiastical and lay tithes, any proportion of them is held in trust for a particular class of the public—namely, the poor."

We shall not enter into the second question about the poor; * not because Mr. Eagle's arguments on this point are any stronger than on the first, but because the subject is not one of great practical importance, as the professed object of the Liberation Society is not to induce the State to insist upon any clergyman who derives his income from tithes handing over a certain proportion of that income to the poor-law guardians, but rather to show that the State has a right to deprive him of the whole of his income, and apply it to the reduction of the National Debt, or some other secular purpose. It may be well to observe in passing, that in the words just quoted, Mr. Eagle admits that property may be public property, and yet be held in trust for a particular class of the public—and this, as we shall see presently, is a very important admission. The question, then, according to Mr. Eagle, is whether tithes in the hands of ecclesiastics are to be considered public property. Mr. Eagle does not give any definition of what is meant by public property. And he is wise in this; for, had he given a definition, he must have given either the true one or else a false one. Had he given a false one, we might have shown how and why it was false. If he had given the true definition ("Public property is either property actually held and enjoyed by the whole of the public, or by a particular class of the public, or held in trust for the whole of the public, or for a particular class of the public"), then the fallacy of his whole argument would have been at once exposed. Mr. Eagle says the question to be considered—by which probably he means the question in dispute between his party and our party—is, whether tithes in the hands of ecclesiastics are public property. We say there is no dispute about it. We fully admit that they are public property for Church purposes. They are Church property held in trust for that particular class of the public called

* See Note A, Page 76.

the Church, or Churchmen. But they are not therefore national property. The term "public property" differs from the term "national property," as the term *animal* differs from the term *man*. All men are animals, but all animals are not men. All national property is public property, but all public property is not national property. Mr. Eagle then proceeds, "On the one hand"—which probably means by the Anti-State Church party—"it is contended that tithes and the other profits and emoluments of ecclesiastical livings and promotions, being merely stipendiary payments for the performance of public religious duties, are not distinguishable from the salaries of other public functionaries generally, and consequently that the payment of tithes may be regulated and modified at the discretion of the legislature, or may be exchanged for any other mode of providing for the maintenance of the ministering clergy which may be deemed more conducive to the advancement of religion and the public good." "On the other hand"—that is, by the Church party—"it is insisted that in respect to the right of property there is no difference between ecclesiastical tithes and temporal inheritances, and that the clergy have the same title to the tithes of their churches, as laymen have to their private estates."

The perusal of this passage suggests an anecdote of what was said by a famous Nonconformist minister—an anecdote for the absolute authenticity of which in all its details we will not vouch. He was a grand minister—at least in his own opinion and that of his congregation—and the occasion was a grand one, the opening of a new chapel, or something of the kind, and he was expected to say something grand, and novel, and striking. And so he said, "My brethren, the building in which we are assembled is called a chapel, and the building a little further on, with the tall steeple, is called a church; and those who come here for public worship are called chapel-going people, and those who go yonder are called church-going people, or Churchmen. Now I will just tell you what is the great difference between chapel-going and church-going people. We chapel-going people say that those only who believe in Christ shall go to heaven—that faith is the one thing needful. The church-going people say that all who are baptized shall go to heaven—that baptism is the one thing needful." And then he proceeded to quote text after text to prove that faith was really required—that persons might be baptized, and yet finally lost. And the congregation went away highly edified and delighted with the discourse, and very thankful that they went to chapel and not to church. They all went away satisfied, with one exception. For unluckily there happened to be present a young man of an inquiring turn of mind, and who would not take upon trust all that the great minister said, simply

because he said it; one whom no doubt the minister and his elders would have described as a profane man—a sort of modernized Esau. And this young man was very earnest and persevering in his inquiries as to who were the Churchmen who said that all baptized persons must necessarily be saved. He asked one Churchman, and another Churchman, and they had never heard of such people; and he went to the church of which the great minister had spoken, and there he heard it clearly stated from the pulpit that faith, where it can exist, namely, in adults, is essential to salvation. At length he went to the minister himself, and asked him who those Churchmen were, and where they were to be found. At first the minister, perceiving him to be a profane young man, not a regular attendant at an Ebenezer or a Bethel, was inclined to have nothing to say to him; but at length, seeing that he was an earnest inquirer after truth, took compassion upon his ignorance, and explained to him that in his sermon he had used the term Churchmen in an elevated, not in a vulgar sense; that when he thought and spoke about churches and Churchmen, he did not have recourse to the vulgar expedients of observation and inquiry, which geologists and chemists, and such like low people employed; he withdrew into his study, carefully considered in his own mind what ought to be the meaning of the word "Churchman," and out of the depths of his inner consciousness he evolved the abstract idea of a Churchman, and the ideal Churchman thus evolved always maintained that all baptized persons must necessarily be saved. The young man was very much obliged, was entirely satisfied with the explanation, for he now saw the real meaning of that eloquent discourse. He had, however, one favour to ask of the minister, and that was, that he would be kind enough some evening to give a lecture on some secular subject, say arithmetic, prove in the lecture that two and two make four, from the depths of his inner consciousness evolve an ideal opponent who should maintain that two and two make four and a half, and then edify and delight his audience by an utter confutation of that ideal opponent.

In the passage just quoted, Mr. Eagle is doing the very thing which the minister did, only not in quite so glaring and grotesque a manner. He is putting in the mouth of himself and party statements, most of which are true, all of which are plausible, and he is putting in the mouth of his opponents (of those whose views he introduces by the words "on the other hand") statements which are neither true nor plausible—which have no semblance of truth about them. He says that what his party contend for is, that tithes are stipendiary payments for the performance of public religious duties. That is true. Then that tithes are not distinguishable from the salaries of other public functionaries

generally. That may or may not be true, according to the sense in which it is taken. Then, that the payment of tithes may be regulated or modified by the Legislature, or exchanged for some other mode of providing for the maintenance of the clergy. That also, for reasons which will be shown presently, is true. But the statement attributed to the unfortunate people on the other side, that "there is no difference between ecclesiastical tithes and temporal inheritances, and that the clergy have the same title to the tithes of their churches as laymen have to their private estates," is not true at all.

Let us look at each of these statements a little more closely, for they are very important for the right understanding of the question before us—the question whether the revenues of the Established Church are or are not national property. Take first the statement "Tithes are not distinguishable from the salaries of other public functionaries generally." What is meant by the salary of a public functionary? Probably we should all agree in defining it as money paid to a man annually or otherwise, out of a public fund, for the performance of a public duty. If Mr. Eagle only means that tithes come under this definition, he is simply enunciating a truism. But if he means that there is no distinction between the kind of public salary called tithes, and other kinds of public salaries, the obvious answer is, that tithes are distinguishable from all other public salaries as coming from a different fund, and as paid for a different purpose. A clergyman whose income is derived from tithes, a general in the army, a policeman, the master of an endowed grammar-school, a judge, a house-surgeon in a public hospital, are all public functionaries, and as such receive public salaries. But there are differences in the funds from which, and the purposes for which, the salaries are paid. The clergyman is paid out of the Church property; the general and the judge out of the Imperial taxes, the produce of which is national property; the policeman out of the borough or county rates; the master out of public school property; the house-surgeon out of public hospital property. And we mention these two particularly in order to show that Church property is not the only kind of public property which is not national property. It would be as unjust for the State to confiscate the property and endowments of our public hospitals as to confiscate the property and endowments of the Church; and Mr. Eagle and his friends would no doubt admit the injustice of the one kind of confiscation, though they advocate the other kind. And in the quarter from whence is paid the salary of the public functionary is lodged the power of appointing his successor. And sometimes this appointment is a compulsory, and sometimes an optional matter. The general or the judge vacates his office, the

State appoints his successor, or makes no appointment on the ground that it has already enough generals or judges; the policeman retires, the borough or county magistrates do or do not appoint another; the committee of the hospital must necessarily appoint a new house-surgeon, when the former one leaves, if they have only one, but they do not appoint if they have several, and wish to reduce their staff; the school trustees must appoint, when a vacancy occurs, because a school cannot go on without a master, and the fund which they administer has been left by the founder for the perpetual support of a master; and the patrons of a living must present within a limited time a duly qualified man to the bishop for precisely the same reason. Are not then tithes, the salary of the public functionary called a rector or a vicar, clearly distinguishable from the salaries of other public functionaries? and does not Mr. Eagle contend about this point in vain?

The next statement of Mr. Eagle, that "the payment of tithes may be regulated and modified at the discretion of the Legislature, or may be exchanged for any other mode of providing for the maintenance of the clergy which may be more for the public good," is true to a certain extent, and under certain limitations. It is true, first, because tithes are public property; and, for reasons which we shall presently show, the State exercises, or ought to exercise, a stricter control over public property, even though it be not national property, than over private property. It is true, secondly, because the State will compel even the owners of private property to exchange it for other property of equal value if the public good requires it. A piece of land near Portsmouth is required for the defences of that arsenal. The Government compels the owner to give it up on receiving a proper compensation, the amount being fixed by a jury. And we all know how often the same thing is done in the case of railway companies.

In reply to Mr. Eagle's statement that "On the other hand," that is by Churchmen, "it is insisted that in respect of the right of property there is no difference between ecclesiastical tithes and temporal inheritances, and that the clergy have the same title to the tithes of their churches as laymen have to their private estates," we cannot, unless we have read all that has been written by Churchmen on the subject of tithes, absolutely deny that some Churchman or other may have been so ill-advised as to make such an assertion as that which Mr. Eagle puts in the mouth of Churchmen generally. But we do maintain that all sensible Churchmen are quite aware that the clergy receive their tithes on condition that they perform certain public services, and that laymen hold what Mr. Eagle calls their temporal inheritances free from any such conditions. What

Churchmen do insist upon is, that a clergyman, duly and legally appointed to a benefice, so long as he conforms to the conditions attached by law—the law of the Church and the law of the State—to the holding of the benefice, is as much entitled to the income of the benefice, whether it proceed from tithes or from any other source, as a layman is entitled to the income derived from his private property. The law of the land is as much bound to protect one kind of property as the other.

Mr. Eagle then proceeds to draw a distinction between what he calls natural persons and politic persons and bodies politic. This seems to be merely a very roundabout way of stating the obvious fact, that if a man holds a certain office, and property by virtue of that office, his tenure of the property is different from what it would be if he held it as a private individual. The argument which he attempts to build upon this obvious fact, namely, that as the law created the public office, and endowed it with the property, so the law has a right to abolish the office; and when it is abolished, to apply the property to other purposes—this argument only holds good of certain kinds of public offices. If, for instance, the State were to appoint a stipendiary magistrate for some town with a salary of £500 a year, and upon trial it were found that the plan did not work so well as the plan of having unpaid magistrates, the State would be quite justified in abolishing the office and applying the £500 to other purposes. Why would it be justified? Because it both created the office and provided the stipend. But the case referred to by Mr. Eagle is very different. Mr. Eagle says, "All archbishops, bishops, deans, prebendaries, parsons, and vicars, are bodies politic, and they are so called because they are created by the policy of man." And then he adds, "the spiritual livings and promotions of the clergy, having been given to bodies politic in their public capacity, are as much the creatures of the policy of man—that is to say, of the law—as the bodies politic themselves are to which they were given." The word *law*, as used here by Mr. Eagle is ambiguous; but we presume he means by it *the State*, his object being to prove that Church property really belongs to the State. Mr. Eagle has shewn great wisdom in veiling his meaning under ambiguous language, for his argument, if clearly brought out, and stripped of all veils, will be seen at once to be worthless. We all know that clergymen are not *created*, or, rather, to use the proper ecclesiastical term, are not *ordained* by the State. An order in Council, or a vote of the House of Commons does not confer upon a man power to administer the Holy Sacraments, as it confers upon him the power to discharge the duties of a stipendiary magistrate. And the State does not provide the stipend of a clergyman. We do not find in our Budget for last year or for this year, any items for

the payment of the parochial clergy of the Church of England : so that Mr. Eagle's argument fails in the two most important points; for the law, in the sense in which he uses the term law, does not create the clergyman or provide his stipend, and therefore the law, that is the State, has no right to abolish either his office or his stipend. Mr. Eagle, in the 4th page of his pamphlet, says, "I shall prove by the most incontestible authorities, that tithes were not derived *ex dono fundatoris*—that is to say, that they formed no part of the original endowment of benefices, but were assigned to the incumbent by the State." He forgets that both might be true; that they might have been given by individuals, and yet have been assigned by the State. A man by his will leaves his property among his nephews and nieces. But the will is not quite clear in its directions, and so the executors apply to the Court of Chancery, the organ of the State, to instruct them how to act. The court interprets the will, and assigns to each nephew and niece that share of the property which it thinks the testator intended them to have. Here we have an instance of property given by an individual, and yet assigned by the State. Mr. Eagle then states what is perfectly true, that, in the primitive ages of Christianity there were no ecclesiastical benefices, but the bishops and clergy were supported entirely by the voluntary offerings of the faithful. He also says, with equal truth, that when the Christian religion was first introduced, there were no parochial divisions or cures; but the public services of religion were chiefly performed by itinerant preachers. And then in page 7, he adds, "After the inhabitants had generally embraced Christianity, this itinerant and occasional going from place to place was found very inconvenient, and it became necessary to settle the bounds of parochial cures:" and of course the reader would expect to be informed that certain funds were given or assigned by the State for that purpose; but what we do read is—"Lords of manors, and laymen of good estate began to build churches and oratories, which *they*,"—they, remember, the lords and laymen, private individuals, not the State—"endowed with lands and other revenues for the maintenance of incumbents or chaplains, whom they appointed to reside and perform divine service within certain territorial limits."

This statement, as coming from Mr. Eagle, is not a little surprising; for it does thoroughly confirm the view which we Churchmen take of the origin of Church property, and is utterly at variance with that brought forward by the Liberation Society. The voice of truth will sometimes make itself heard, even when special pains are taken to smother it. "*Lands*," says Mr. Eagle, "*and other revenues*." These other revenues can mean nothing but tithes; they cannot mean consols or railway shares, for they were not then in existence, only it was not quite convenient for

Mr. Eagle's argument to call them tithes. Mr. Eagle then speaks about the tripartite division of tithes; and then he adds in page 8, "It appears that in some places two parts of the tithes were taken by the lay patrons, in trust for the Church and the poor, and that while they held them the clergy were exonerated from these burdens. But, from a scruple of conscience, the patrons by degrees restored those two third parts to the parish churches long before the Reformation." This shews that these tithes must have been given by private individuals, who, and whose descendants, became the lay patrons; for it is inconceivable that, if the State had given the tithes, the lay patrons should quietly have appropriated two-thirds, and the State have raised no sort of objection. If Parliament voted £500 a year as a salary for a stipendiary magistrate at any large town, would it allow a few wealthy men in that town to appropriate two-thirds of it, and leave only the remainder to the magistrate? Mr. Eagle himself seems to have an idea that what he has proved is not exactly what he undertook to prove; and so, in a subsequent part of his pamphlet, he draws a distinction between two kinds of tithes, parochial tithes, and what he calls "particular parcels of tithes originating in arbitrary consecration;" and apparently he wishes to convey the impression that these latter tithes were given by private individuals, but that the parochial tithes were given by the State. He says, "The payment of tithes was, in its commencement, free and spontaneous." This we Churchmen quite admit: he then says, "Until the establishment of the parochial right, every one was at liberty to give his tithes to any religious or ecclesiastical persons at his discretion;" and afterwards he adds, "In the beginning of the reign of King John, and about the year 1200, all tithes of lands which were not then vested in any ecclesiastical person or body, by virtue of those arbitrary consecrations which have been already mentioned, were annexed by the general law of the land to the rectories of the parish in which such lands were situate."

This enactment in the reign of King John appears to us entirely to confirm the Church view of tithes in opposition to that advocated by the Liberation Society. The real state of the case was this. When the parochial system was first established, the general feeling among Christians was that tithes were a Divine institution,—that every man was bound by the law of God to give a tenth of his income for religious purpose. We need not go into the question whether people then were right or wrong in thinking thus; all we are concerned with is, the fact that they did so think. And thus, from conscientious motives, or under the pressure of public opinion, the landowners, or nearly all of them, did agree that the landed estates of which they were possessed in fee-simple, that

is, over which they had absolute control to do what they pleased with them, should thenceforward for ever stand charged with the payment of tithes, that is of the tenth part of whatever annual produce might be derived from them. Some of these landowners were careful, business-like men, and they made special provision as to what particular church should be supported by the tithes derived from their estates. For they, or some of them might say, "There is a church near such an estate of mine, in which I do not take so deep an interest as in another church a little further off, so I direct the tithes from that estate to go to the more distant church rather than to the nearer one." Hence arose what Mr. Eagle calls the "arbitrary consecrations of tithes." Other landowners simply agreed that their estates should stand charged with the payment of tithes, and did not leave any express directions as to what particular Church should be entitled to those tithes. Hence in some cases difficulties arose. The heirs of the original grantor, if they were pious and honest men, did not exactly know to whom they were to pay their tithes, or if they were unscrupulous men, they very probably tried to get rid of the payment altogether. And therefore the law to which Mr. Eagle refers as having been passed in the reign of King John, was not intended to impose tithes upon landowners as a new State-tax, but whereas they already admitted that their lands were subject to tithes, to fix what were the churches to which these tithes were to be paid. The law in fact said to them, "If your ancestors, or those from whom you derive your title to any particular estate, expressly directed that the tithes of that estate should be paid to any particular church, then pay them to that church; if not, pay them to the clergy of the parish in which the estate is situate; because, in the absence of any express directions to the contrary, it is to be presumed that the grantor intended that the tithes arising from his estate should be paid to the clergy who attended to the spiritual wants of those resident upon the estate." Mr. Eagle then says, "It may therefore be laid down as a proposition which cannot be disputed, that parochial tithes, which constitute nearly the whole of the tithes of the kingdom, were given to benefices by the law, and may consequently be disposed of by the law." It has already been shewn in what sense property may be said to be given or assigned by the law, when the law decides who are its rightful owners by explaining the will of the original giver. Thus far, and thus far only, is Mr. Eagle's indisputable proposition true.

Mr. Eagle then makes a remark very important and very true, if it be only rightly understood. "It makes no difference as to the title of the public to Church property, whether it was given by the public or by individuals, if the purposes to which it is dedicated be of a public nature."

This remark will apply to all public property, whether it be Church property, or property given for some secular object. If a piece of land near London be given to the Londoners on condition that they turn it into a public park, plant suitable trees, and put and keep it in proper order, then, so long as they comply with these conditions, it is equally their property, and the State is equally debarred from interfering, whether it were given by an individual, or by the State itself. But, if they fail to comply with these conditions, then the State has a right to interfere, not on the ground that the park is national property, but on the ground that the Londoners, when they accepted the gift of the property, contracted to keep it in proper order, and make it useful to the public, that their not doing this is a breach of contract which is detrimental to the public, and which therefore the State has a right to forbid.

The rights of the State over property may be briefly defined thus. All property, public and private, may in one sense be called the creature of the State, for, if there were no State, no civil laws, no regular organization of society, property would be almost defenceless, and therefore almost valueless. With strictly private property, the State has only to see that the owner does not so use it as to inflict direct injury upon others; if he chooses to squander it, and so to injure himself, that is his business. But the State has much greater control over what is called trust property; that is over property left to some persons on the understanding that they are to apply the income for the benefit of other persons. And the property may be either private trust or public trust property. If a person leave property to A and B on trust to pay the income to C for his life, and then to some one else, that is private trust property. And the State generally will not interfere with such a trust unless a complaint be made to it by some of the parties interested. But if the person leave the property for the relief of the deserving poor, or the healing of the sick poor, or the education of the children of the poor, or for any other charitable or religious purpose, then it becomes a public trust; and if there be good grounds for believing that the trustees are dishonest, negligent, or incompetent, then the State, as the guardian of the public interests, will interfere to compel the trustees to do their duty, or to remove them, and place competent persons in their room. The State will do this, not on the ground that the property is national property, and that therefore it has a right to do what it pleases with it; but on the ground that persons who undertake a public trust must be made either to perform their undertaking, or to give way to some one else who will perform it. Of late years the State has done much in this way with various kinds of public property unconnected with the Church of England, school property,

hospital property, property left by benevolent persons for a variety of charitable objects. And the two points, which the State in such cases always keeps in view, are, first, what was the real intention of the person who left the property; secondly, how may that intention be carried out with most advantage to the class of persons whom he intended to benefit. But the State never says, "This is public and not private property, and therefore I will apply it to any purpose I think fit." If a man leavé a million of money for building a public hospital, the State has no right whatever to say, "There will be a probable deficiency of a million in the revenue this year, it is more important that the public accounts should be set right than that the hospital should be built, so I will apply the money to stop this deficiency." Every one sees that this would be an act of spoliation and robbery; yet it appears to be identical in principle with what the Liberation Society proposes to do on a much larger scale.

Towards the end of his book Mr. Eagle enumerates several Acts of Parliament, by which, as he says, "Tithes and other ecclesiastical property have been taken from their possessors and granted to lay as well as ecclesiastical persons and uses." The first of such Acts was in the reign of King Edward II. The Templar Knights were a religious and military order, and certain lands had been given or left to them on condition of their performing certain religious and military duties. They were, rightly or wrongly, accused of dreadful crimes, and the order was dissolved. The heirs of those who had given the lands then claimed that the lands should revert to them. The matter was debated in Parliament, and though the judges, when consulted on the point, were rather in favour of this claim, yet Parliament determined, and very wisely determined, that the lands should be given to the Knights of St. John, to be held by them on the same conditions as they had been held by the Templars. The view which Parliament took evidently was that the lands had been given upon certain public trusts, and that the trustees had proved unworthy of the confidence reposed in them. Parliament therefore said, "Let the trusts continue, but let fresh trustees be appointed." And yet Mr. Eagle quotes this Act of Parliament to prove that Church property is national property, and that it would be just in Parliament to take away Church property from Churchmen who are fulfilling the trusts on which the property was left, and to apply it for the reduction of the National Debt, or some other secular purpose. If Mr. Eagle had been in a position to prove that the clergy of the Church of England, like the Templar Knights, had wholly forfeited public confidence by gross neglect of their duties, and that the ministers of some particular sect, like the Knights of St. John, had gained the entire confidence of the public, and were quite prepared to undertake

those duties; and if he had then proceeded to argue that the Church revenue should be transferred from the Anglican clergy to the ministers of that sect, that would have been something like a parallel case, and the Act of King Edward II. might have been of some service to him.

Mr. Eagle next quotes a statute passed in the reign of King Henry V., by which the possessions of alien priories situate in England were given to the king, to the intent "that divine service might be more duly celebrated in the aforesaid places by Englishmen than they have hitherto been by Frenchmen." This simply means that the king, or the chief magistrate, the representative of the nation, was to remove certain trustees, who were not attending to their duties, and to appoint others who would discharge them better. And then Mr. Eagle comes to that which certainly does bear more closely upon the point he has to prove,—the Acts of Parliament in the reign of Henry VIII. Few students of English history have much respect for that king's memory: he is generally regarded as one of the very worst kings who ever sat on the English throne. Sad would it be for England were he to rise from the dead, and once more trouble her with his presence. But were he thus to rise, there is one post for which he would be admirably qualified—the post of President of the Liberation Society. In a most disastrous hour for England he robbed the English Church of vast amounts of property which had been bequeathed to her by the piety of former generations. Part he spent upon his own luxuries, part he gave away to his favourites and courtiers. England has never been what she might have been, had Henry VIII. proved himself an honest man. Had he done his duty with the money entrusted to him, probably every parish would have had one or more clergymen properly remunerated for their services, not by the people, but out of the Church revenues. The facts are these. In the middle ages vast amounts of property in England were left to monasteries and convents. These, which had never been very desirable institutions, in the reign of Henry VIII. had become very much worse than they were originally. The abuses were so great that the nation was roused to appoint a commission of enquiry, which returned a very unfavourable report. Then were passed the statutes of 27 Henry VIII. c. 28, and 31 Henry VIII. c. 13, to which Mr. Eagle refers, by the former of which the smaller monasteries, and by the latter of which all the remaining monasteries were given to the king "to give and dispose of them and their revenues at his will and pleasure to the honour of God, and the wealth of the realm." Parliament evidently intended that what had been done before should be done again; that the precedent set in the case of the Templar Knights should be followed; that the property of the dissolved monasteries should be applied to the same

religious and charitable purposes for which it had been originally left, but that the management of it should be placed in more trustworthy hands. We know what followed. Part of this property was really applied to Church purposes in founding new bishoprics and endowing deans and chapters, but a very great portion was given away to the king's courtiers. Hence the tithes of England are now divided into two parts: the *appropriate* tithes, which are received by ecclesiastics who discharge public religious duties; and the *impropriate* tithes, which are in the hands of laymen, who are not bound to the performance of any public duty, except that sometimes they have to keep in repair the chancel of the Church of the parish from which the tithes are derived. In order to show how thoroughly the Liberation Society has imbibed the spirit of King Henry VIII., we need only state that whatever portion of the tithes which came into his hands was applied by him rightly for public purposes,—that portion the Liberation Society proposes to confiscate; but whatever portion he gave away to his courtiers for their own private gratification, that the Society proposes to leave undisturbed in the hands of the present owners. The reason they would give for this latter proposition of course is, that the property has been in private hands for three centuries, and to seize upon it would be a heavy blow to the rights of property, and unsettle the titles of most landed estates throughout the country. And this is true enough; it would hardly be just that that property should be forcibly interfered with. But are these men so blinded by passion and prejudice, as not to be able to see that the forcible seizure of Church property, of property which has belonged to the Church not 800, but twice and three times 800 years, would be a most tremendous blow to the rights of property; that, if this were done, no one could leave money or lands for a charitable or religious purpose with any reasonable confidence that his directions would be respected, or that the State would not seize upon it for some purpose of its own?

Let us for one moment contrast the Liberation Society with another Society, which is not so well known as it deserves to be, "The Tithe Redemption Trust." Its object is the direct opposite of that at which the Liberation Society aims, for it seeks to restore to their original public purposes the tithes which, through the king's dishonesty, passed into private hands. This Society has for its President, the Archbishop of Canterbury; for its Vice-presidents, five bishops; and of its three trustees one is the Right Hon. William E. Gladstone. This Society has been at work twenty years, endeavouring, partly by purchase and partly by persuasion, to get back the alienated tithes. We say partly by persuasion, because some of the lay impropiators, as they are called, feeling that this

kind of property, though perfectly legal, is not quite satisfactory to their consciences, have sold their tithes to the Trust at prices far below the market value. It is stated in one of the recent papers of the Society, that since it began, alienated tithes, amounting to more than £26,000 per annum, have been restored to the parishes where they are produced; but that about £1,600,000 per annum is still alienated; that in thousands of parishes the clergy and their parishioners, especially the working classes, suffer severely through tithes, collected among them, being sent far away, and that in England and Wales 2,000 benefices have less than £100 a year, and £2,600 less than £200 a year in consequence of the tithes levied in them being thus alienated. This will give some faint idea of the terrible loss which Henry VIII. inflicted upon the Church-going, religiously-disposed people in England. We would ask then any fair and upright man, be his religious and political opinions what they may, which of these two is the more honest Society, that which seeks to redeem and bring back alienated property to the religious purposes for which pious men originally gave it, or that which says, "Never mind the religious purposes, never mind the intention of the giver, let the State seize the property, and apply it to any purpose it likes"? We cannot understand how any honest man can hesitate for a moment as to what answer he should give to the question.

CHAPTER VII.

SAME SUBJECT CONTINUED.—MR. MIALI'S ARGUMENTS EXAMINED.

THE same subjects discussed by Mr. Eagle have been handled in a more showy and pretentious, but not in a more able manner, by one of the foremost leaders of the Liberation Society, Mr. Edward Miall, in his work entitled "Title Deeds of the Church of England." This work has been fully answered by John Pulman, Esq., barrister-at-law, in a book entitled "The Anti-State Church Association and the Anti-Church-Rate League unmasked." To this book, which is somewhat voluminous—more than twice the length of Mr. Miall's—we would refer those who wish to make themselves thoroughly masters of the subject. We shall only attempt to give a brief exposition of some of the leading propositions in Mr. Miall's book, and to show their utter fallacy. The book consists of nine chapters, a supplementary chapter, and an appendix. The appendix is a simple republication, without note or comment, of the Tithe Commuta-

tion Act of 1836. It occupies a fourth of the entire book, and does not appear to have much to do with the other three-fourths; the professed object of the treatise being to explain the origin of tithes, not the way in which the tithes, or rather the rent charges in lieu of them, are now levied. The first chapter is introductory and explanatory, setting forth the object of the treatise. In the second chapter the author treats of the rise of the tithe system in the Western Empire, in the third of tithes in England; in the fourth of lay recusancy in regard to tithes; in the fifth of things legally titheable; in the sixth of the modern expansion and extension of tithe endowment; in the seventh of the arbitrary assignment of tithes; in the eighth of the condition of usufruct (that is, enjoyment or possession) prescribed by law; in the ninth he draws certain general conclusions; and in the supplementary chapter he specifies what he considers to be the main causes of misapprehension as to the nature of Church property, and quotes certain opinions of eminent men which he believes to be in support of his views. It may be observed as to these opinions, that most, though not all of them, are quite reconcilable with the principles as to public and private property which have been stated in the former chapter.

In his introductory chapter (page 5) Mr. Miall thus states the object of his treatise. "The general proposition, then, which it will be the object of this treatise to establish respecting *parochial* tithes, lately commuted into rent charges, may be thus stated: that, *regarded as property separated for public religious uses, from the rest of the property of this country, they are the product of public law exclusively, ecclesiastical, or civil, or both, and that they neither did, nor in the nature of things, could originate in private individual liberality.* It is only by a figure of speech that they can be called endowments. They may be more properly described as an ancient tax, the obligation to pay which sprang out of public authority, the destination of which was prescribed by public authority modified by practice, the limits and privileges of which were from time to time laid down by public authority, and the enforcement of which has, in the last resort, depended upon courts in which public authority is enthroned. In other words, tithe property was created by public law, was assigned to its uses by public law, was regulated as to what should constitute it, and to whom it either might be, or must be appropriated by public law, and finally, was exacted from recusants by process of public law. In England (whatever may have been the case in the Western Empire on the continent) individual spontaneity never had room to play in the creation of liability to tithe. That liability was, from the beginning of the system, fixed upon every subject of the realm, not by his own

election in obedience to pious impulses, but by the will of those who had rule over him in Church and State." The first thought that will suggest itself to an intelligent reader of this passage is, "What does Mr. Miall mean by "public law?" He ought to have given us a definition of this term when he first used it, but happily we are not left in total darkness as to his meaning; for, in a subsequent part of his work, in page 84, we are informed, that public law is "the authoritative will of the State of the then existing age." And in page 2 Mr. Miall says that the State of England means the whole body of the people of England as politically organised, a definition not materially differing from that we have given in a former chapter. Hence, Mr. Miall's general proposition, fully developed, will be, that parochial tithes are the product of the authoritative will of the people of England politically organised at a particular age. In the same page, therefore, Mr. Miall asserts, first, that tithes did originate from the will of the people; and secondly, that they did not originate from anything of the kind; first that they are the product of the authoritative will of the State, that is, of the people; secondly, that the liability to them was forced upon every subject of the realm, not by his own election, but by the will of those who had rule over him in Church and State. We have heard in Ireland and elsewhere of persons being compelled to volunteer. But it was reserved for Mr. Miall to communicate to us the astounding intelligence, that at some period, not specifically stated, of English history, every subject of the realm volunteered, or rather authoritatively willed to be compelled to pay tithes not by his own election. Does Mr. Miall mean that those who first imposed tithes, those namely who had rule in Church and State, were not subjects of the realm—were not Englishmen—that England was occupied by two distinct castes, the one directing that tithes should be paid, the other paying those tithes? If so, what evidence does he give of this? Surely, whatever differences of opinion there may be as to the origin of tithes, there can be no doubt that the parochial tithes, in every age, have been paid by the owners and occupiers of land, the very men who, in the middle ages, did have rule in Church and State. Standing by itself in its present form, Mr. Miall's general proposition, which it is the object of his treatise to establish, is so confused and contradictory as to be altogether unintelligible. If, however, we try to interpret it by the light which is thrown upon it by the following chapters, we shall probably come to the conclusion that Mr. Miall's real meaning, divested of all hazy and superfluous verbiage, is that tithes originated in such a manner that, though they were imposed by the general consent of the people, and were legally binding on the men of that day, yet they had the nature of a State tax.

and therefore, like all other State taxes, might lawfully be repealed by the properly constituted authorities. There is no doubt that an ordinary tax, such as the income tax, imposed by one king or parliament, may be repealed by another king or parliament. What Mr. Miall has to prove, therefore, is that tithes were and are a State tax, like the income tax of the present day. We shall soon see that Mr. Miall, instead of proving this, has only proved that an attempt was once made to establish one particular kind of tithe, namely, personal tithe in the form of a State or rather of a Church tax, and that the attempt signally failed, no tithes of the kind having for several centuries been levied in England. Tithes may have originated in one or other of three ways: from private liberality, from a State gift,—that is, a gift made by the people of England out of property which belonged to them as a people,—or from a State tax. Mr. Miall wholly ignores the second way, and assumes that they must have originated either from private liberality or from a State tax. And yet the difference between a State gift and a State tax is very manifest; the latter being revocable, but the former not. The first Duke of Marlborough and the first Duke of Wellington rendered signal services to the nation, and in consideration of these the State gave to them and to their heirs landed estates on certain conditions, one of which was that they should not be sold or in any way pass out of the possession of the family. All will agree that the State is not entitled to resume these estates while any descendants of the dukes remain. Suppose the State, instead of giving these estates, had bought lands of ten times the value, and had let them on long leases at a fixed rent with the understanding that the lessees should pay nine-tenths of the rent to the Chancellor of the Exchequer, and the remaining tenth to the Dukes and to their heirs. Will any one contend that the State would be more justified in taking away from these families their tenth part of the rent, than in taking from them the estates which they now enjoy? Surely not. A gift of the tenth part of the produce of one estate is just as much an absolute gift as the gift of the whole of the produce of another estate. A State gift is a thing once done and ended, and does not require renewed action on the part of the State, except that the State may from time to time confirm and ratify the gift, if there seems to be any danger of the original terms of the gift, or its extent, being forgotten or misinterpreted. But a State tax is a thing which has to be constantly renewed, which the State must be continually looking after. Therefore, even supposing that a portion of the parochial tithes arose, not from private liberality, but from a State gift, even then the State would not be entitled to deprive the Church of them in the way, that the Liberation Society proposes. But we Churchmen

hold that they did arise from private liberality, which certainly was afterwards enforced by law; that is, as has been already explained, when a man devoted the tenth part of the produce of his lands to religious purposes the State compelled his heirs to carry out his instructions, to comply with the conditions subject to which the lands had been left to them. Mr. Miall insists upon looking only at these State enactments, and ignores the private liberality which preceded them.

On Mr. Miall's second chapter, which is mainly occupied with the arrangements made about tithes by Charlemagne and others on the continent, it is unnecessary for us to dwell. It may be quite true that Charlemagne did impose tithes as a State tax on the Saxons and other Pagans whom he conquered in Germany, but his authority never extended to this country, nor do his proceedings at all affect the question as to the origin of tithes in England.

In the third chapter Mr. Miall refers to various enactments to prove that tithes were created by law as a separate property for the maintenance of the clergy. The first he quotes was passed by a council held by King Offa, A.D. 794, and is as follows, "Therefore, with obtestation, we enjoin that all be careful to pay tithes of all that they possess, because they are the special property of the Lord our God, and maintain themselves and give alms of the nine parts." Does this look like the first introduction or establishment of a State tax? Is it not rather a confirmation of a gift that has been already made, a declaration that lands are inherited subject to tithes, which are the especial property of God? Mr. Miall next quotes a law, which he says was passed at a Parliament convened at Winchester (A.D. 855) and representing all England. To this law he attaches particular importance, and gives it entire, because, says he, it "constitutes the basis of the tithe system in England." The material part of it is as follows: "I, Ethelwolf, King of the West Saxons, grant as an offering unto God and to the Blessed Virgin, and all the Saints, a certain portion of my kingdom to be held by perpetual right, that is to say, the tenth part thereof, and that the tenth part be privileged from temporal duties, and free from all secular services and royal tributes." And it is added, "There were present and subscribing thereto, all the archbishops and bishops of England, as also, Boerred, King of Mercia, and Edmund, King of the East Angles, and also a great multitude of abbots, abbesses, dukes, earls, and noblemen, of the whole land, as well as of other Christian people, who all approved of the Royal Charter." And Mr. Miall after quoting this Act, again says—"Here we have the foundation of the civil right of the clergy to tithes in England." By quotations from ancient documents, and from the writings of antiquarians, Mr. Pulman has

clearly shown, First, that there is very strong reason for believing that this document of King Ethelwulf was not an Act of Parliament, but a Royal Charter, whereby the King made a grant out of his own personal property, and not out of the national or public resources. Secondly, that it very probably does not refer to tithes at all, but is rather a gift to the Church of the tenth part of the king's landed estates, and not a gift of the tenth part of the annual produce of those estates. Thirdly, that the great historian, Mr. Hallam, a very competent authority, thinks the document is wholly spurious. All this Mr. Miall either does not know, or has wilfully suppressed. Mr. Miall then refers to laws about tithes of King Alfred; of King Athelstan, in A.D. 924; of King Edmund, in A.D. 944; of King Edgar, in A.D. 967; and of King Ethelred, in A.D. 1008, and A.D. 1012, "both of which," says Mr. Miall, "were agreed to by the Parliament of the day." And he adds, "The last of these we may well quote." "We command that every man, for the love of God, and of all the Saints, shall pay his Church-scoat and his full tithes, in the same manner as it was done in those times of our predecessors, when it was best done; that is, that he pay for tithe every tenth acre that the plough shall go over. And every other customary due must be paid to the Mother Church to which every man belongs, for the love of God. And let no man take from God what belongs to God, and which our predecessors have consecrated to Him." I quite agree with Mr. Miall that it is well that the law should be quoted, because the whole of it distinctly shows that tithes were not regarded as a State tax, but as a solemn gift which had been made to God, and which when made could not be recalled or repudiated. And what do all these laws really indicate? Is it not evident that the general opinion in those ages was that every man, especially every landed proprietor, ought to give a tenth part of his revenues or of his earnings to God; that all, or nearly all, did this—charged their lands with tithes as a perpetual provision for the maintenance of the clergy, and of public worship, and then, not content with doing this privately, each on his own domain, they met together in solemn assembly, and publicly ratified the arrangements about tithes which each of them had made, or determined to make, or already found made, when he came into possession of his estates? These laws, in our judgment, most conclusively show that tithes originated from private liberality, and were then confirmed by solemn enactments—enactments subscribed and assented to by all the principal men in the land, in order that what had been given to God by themselves and their predecessors might not be diverted to secular purposes. And yet Mr. Miall, wishing to have property, which has been consecrated to religious purposes for more than

1000 years, now at length diverted to such purposes, brings forward these very enactments as proofs that this may be lawfully done. He might with as much truth say that, if a man conveys property to certain uses by an ordinary deed, and leaves it at his lawyer's office, then the deed must be considered valid, and the State must not interfere; but if, by way of extra precaution, he gets the deed enrolled in the Court of Chancery, then, because that court is one of the civil courts of the State, the State may interfere, and alter the arrangements directed by the deed. And besides, we Churchmen do not deny that Acts were passed from time to time to enforce the payment of tithes, that is, to compel those who inherited landed estates to fulfil the conditions, and discharge the burdens subject to which they received their inheritance. But what Mr. Miall may be fairly called upon to do, is to produce an Act in which tithes are mentioned as a new thing, and established as a State tax.

We pass over the 4th chapter of Mr. Miall's book, as in it he simply states that from time to time an indisposition was shown by some to pay tithes, and that the payment was enforced. All this has been already proved to be quite consistent with the assertion, that tithes arose from private liberality. If a man inherits a mortgaged estate, the law will compel him to pay out of its revenues the interest due on the mortgage.

In the 5th chapter Mr. Miall gives a long account of all the different articles on which tithes were levied; and lastly he comes to personal tithes, that is, tithes levied on millers and other tradesmen for their business profits; on artisans for their wages; and on fishermen, hunters, and sportsmen, for the fish or game they caught. Mr. Miall himself admits that this law about personal tithes was only an ecclesiastical law; that is, a law, the infringement of which subjected one not to civil, but ecclesiastical penalties, such as excommunication and the like; that it is very doubtful whether even the ecclesiastical courts ever really attempted to enforce it, and that a statute was passed in the reign of King Edward VI., expressly limiting its operation, even as regarded the ecclesiastical courts, to such tithes as had been actually levied within forty years previous to the passing of the statute. It need scarcely be stated that no tithes of this kind are ever levied in the present day. And yet, in spite of all this, Mr. Miall triumphantly asks, "Will any man in his senses pretend that pious lords of manors, of their own private will, gave to the clergy the right, for all future time, to mulct the artificers resident in their parishes of a tenth of their wages; or assigned to the Church a tenth of the fish caught in the sea; or subjected millers to the ecclesiastical impost from A.D. 1315; or gave a tenth of the spoils of all hawking, hunting, fishing, and fowling? It matters nothing to the argument that

in some of these cases tithe was seldom paid, and the claim for it soon ceased. The claim was made by ecclesiastical law. On what ground? On the pretext that the right had been granted by some lord of the manor? Never, but on the ground of ecclesiastical right, having its root in the Divine law." These remarks of Mr. Miall are well worthy of attention, because in them he most clearly, though quite unconsciously, exposes the weakness of his case. The answer to them is very plain. These personal tithes rested only on the ground of ecclesiastical right, and therefore, as the belief in that right has ceased, so have they ceased also. The tithes from landed produce, commonly called prædial or mixed tithes, rested on a very different ground, that of a legal grant by the owners, and therefore they have continued to the present day. No one pretends that lords of manors or landed proprietors could give to the clergy a right to the tenth of the wages earned by any persons who might at any future time settle upon their estates. Prædial tithes and personal tithes both arose from private liberality, stimulated no doubt by strong ecclesiastical influence. But there was one great difference between them; prædial tithes might justly be made a permanent burthen on the land, personal tithes could only affect the individuals who paid them. A man has a perfect right to say, "I leave my lands to my children, subject to tithes, and these tithes they must pay after my decease, else they forfeit the lands." But he has not a right to say, "I require my children, after my decease, to pay tithes out of property which they may earn for themselves, and which I have not left them."

In his 6th chapter on the modern expansion and extension of tithe endowments, Mr. Miall endeavours to shew that three-fourths of the present tithes in England have originated from Acts of Parliament, and not from private liberality. And his argument is, that only one-fourth of the land now under cultivation in England was cultivated in the reign of Edward VI., and that an Act passed in the reign of that monarch (2 and 3 Edward VI., c. 13, s. 5,) has this provision: "All such barren or waste ground (other than such as be discharged from the payment of tithes by Act of Parliament) which before this time have laid barren and paid no tithes by reason of the same barrenness, and now be or hereafter shall be improved and converted into arable or meadow, shall, after the end and term of seven years next after such improvement fully ended and determined, pay tithe for the corn and hay growing upon the same." "Therefore," says Mr. Miall, "as eighteen out of the twenty-four millions of acres now under cultivation, or just three-fourths, have been redeemed from waste since the passing of this Act of Parliament, there remains only one-fourth of the tithe property now existing which could by any

possibility have grown out of lay liberality. The other three-fourths are directly traceable, not to private grants, not even to custom or common law, but to the legislation of Parliament. Three-fourths of the parochial endowments of the Church of England have their root in an Act of Parliament passed a little more than three hundred years ago. Let that fact be explained away if it can." This alleged fact can be, not explained away, for you cannot explain away a fact, but proved to be not a fact at all, by simply quoting the section of the Act which follows that quoted by Mr. Miall, and which, for very good reasons, he has been careful not to quote. It is as follows: "And be it enacted that if any such barren, waste, or heath ground, hath before this time been charged with the payment of any tithes, and that the same be hereafter improved or converted into arable land or meadow, that then the owner or owners thereof shall, during the seven years next following from and after the same improvement, pay such kind of tithes as was paid for the same before the said improvement, except discharged by privilege or prescription or composition real." Some part of this barren land, that which came under the 5th section quoted by Mr. Miall, had paid no tithes at all, because no profit of any kind was derived from it; the remaining part, from which some small profit was derived, had paid tithes on that small profit. We have no evidence as to how much of the land came under the former, and how much under the latter section, but all alike was titheable, though that which came under the former section had not, on account of its barrenness, actually paid tithes. But Mr. Miall has yet another argument to bring forward about these newly cultivated lands. He says, "It is worthy of observation that by common law, and from time immemorial, the tithes of forest lands, and of lands not included within a parish, belonged to the Crown, or rather the title to tithes did. The Crown, as representative of the State, that is of the people in their civil capacity, held the fee-simple of the tithes which might at any time be derived from lands not as yet parcelled out by parochial boundaries. Now, far the larger proportion of our parishes have come into existence *quod* parishes since the period at which the tithe system was adopted. For it was subsequently to A.D. 1200 that most of our parish churches, having the right of baptistry and burial ground, were founded, and the territory of the desmesnes and tenancies of the lords of the manor who created such churches constituted the parochial limits. We shall not be far from the mark, then, in saying that the fee-simple of the largest proportion of tithes in *posse* which have since, by cultivation of the land, become tithes in *esse*, was originally held by the Crown in trust for the nation." Mr. Miall's object in this is to show that the greater portion of the tithes are a

grant from the Crown as a trustee for the nation, and may therefore at any time be resumed by the nation or its trustee. There again he confounds a State gift with a State tax. But independently of this, his argument rests upon two assumptions, both of which can be proved to be unfounded. The first assumption is, that the Crown, as the representative of the State, of the people in their civil capacity, held the fee-simple of the tithes of lands not included within a parish. Mr. Miall here refers in support of this assumption to Burn's "Ecclesiastical Law;" and in the 8th chapter of his book (p. 88) he repeats his assertion, and quotes in support of it a passage from Mr. Eagle on Tithes, a larger work of Mr. Eagle, not the one of which we have spoken in a former chapter. What do Mr. Eagle and Mr. Burn really say? Mr. Eagle, as quoted by Mr. Miall, says, "The tithes of lands, which upon the formation of parishes were not united to any parish, and which are commonly denominated extra-parochial places, are universally payable to the king in right of his crown, or to persons deriving their title under grant from the Crown." But in the same chapter Mr. Eagle says something else, which Mr. Miall is careful not to quote, namely, "The origin of the payment of extra-parochial tithes to the king cannot now be discovered, but they are said to be vested in him, in *trust and confidence*, that he will distribute them for the general good of *the Church*." And in another part of the same work Mr. Eagle says, "The king possesses the privilege of receiving tithes, and prescribing in discharge of them, because he is *persona mixta*, that is to say, he partakes of the spiritual as well as temporal character, and was always capable of ecclesiastical jurisdiction." Is this in accordance with Mr. Miall's assertion, that the Crown received the tithes of extra-parochial lands as representative of the State, that is, of the people in their civil capacity? Does it not rather show that he received them simply as trustee for the Church? Mr. Burn says, "By custom a parson or vicar might be entitled to the tithe of extra-parochial lands, and by 17 George II., c. 37, when waste lands, formerly fens and marshes, are drained and improved, and the parish to which they belong cannot be ascertained, tithes arising therefrom are due to the tithe-owner of that parish which lies nearest to the land." It is evident that the framers of that Act did not consider that the Crown, as trustee for the State, was entitled to those tithes. Mr. Miall's second assumption is, that "by far the larger proportion of our parishes have come into existence *quod* parishes since the period at which the tithe system was adopted, indeed since A.D. 1200." Mr. Rapin, in his "History of England," says that it appears by "Doomsday Book" that before the Norman Conquest, that is, before A.D. 1066, parishes were settled nearly as they are now, And besides, it is not to

be inferred that all new parishes formed since A.D. 1200 were formed out of extra-parochial lands. On the contrary, it would appear that these new parishes were formed by a subdivision of the old parishes, on the very principle which we see constantly carried out in the present day. Mr Miall refers for confirmation of this second assertion, to Selden's "History of Tithes." But Mr. Selden rather intimates that in the 7th and 8th centuries each bishopric was regarded as one large parish, through which the bishop made missionary journeys and sent itinerant preachers. Afterwards, as Christianity spread, and wealth and population increased, churches were built, districts were assigned to them, and made into new parishes, but still the land not comprised in these new districts was not therefore extra-parochial. But Mr. Miall quotes yet another Act of Parliament in support of his assertions. He says, "As an illustration we may refer to the Act 15 Car. II. cap. 17, for settling of the drainage of the great level of the fens, called Bedford Level, in which it is enacted, that no ascertaining or dividing the new drained or new improved lands by the commissioners appointed by that Act shall conclude the king's majesty, his heirs, etc.—as to the bounds of parishes—so far at least as they may affect the king's right to tithes." This clause of the Act, the only clause in which tithes are referred to, is so quoted as to leave an entirely erroneous impression as to its real meaning. The entire clause is as follows: "Provided always that no ascertaining or dividing of the said drained or new improved lands by the said commissioners as aforesaid, shall conclude the king's majesty, his heirs, successors, or assigns, or *any other person or persons* as to the bounds of parishes, to any other intent or purpose than subjecting the same to taxes, and contributions, and episcopal jurisdiction, *and not as to the right of tithes*, or any other purpose whatsoever, nor shall be, or be used in evidence concerning the same." It appears from the Act that some time before, these drained lands,—the lands themselves, and not merely the tithes from them,—had been allotted to the Crown, and that part had been disposed of by the Crown and part not; the framers of the Act did certainly not intend to make a special proviso that the king should have a right to pay tithes to himself from his own lands. The meaning was that, whereas questions might arise as to whether any or what tithes were payable, not to the king, but to the clergy on the part of the king, for the portion of the lands he had retained in his possession, and on the part of his assigns for the portion disposed of by him to them; these questions should not be settled by the commissioners, but reserved for some other tribunal. Certainly this Act, however explained, does not throw much light upon the origin of tithes, but it has been thought worth while to mention it, because it affords a striking

specimen of that utter recklessness of quotation which is so painfully manifested in Mr. Miall's book. It is indeed a poor thing that Mr. Miall should have searched the Statute Book for some corroboration of his statement, that the fee-simple of the greater proportion of the now existing tithes was originally held by the Crown in trust for the nation, and found nothing better than this Act of King Charles II. In reply to Mr. Miall's general argument as to the modern expansion and extension of tithe endowments, it may be observed that a far smaller proportion of England's annual revenues is now paid in the form of tithes, than was paid in the middle ages, or even in the reign of King Edward VI. The profits from titheable land have no doubt increased, but other profits, from which no tithes are paid, have increased far more. If every Englishman, or even every Churchman (excluding the Nonconformists), were to give a tenth of his income for Church purposes, the revenues of the Church, and the incomes of the clergy would be enormous. As it is, the majority of the clergy have very small official incomes; a great part of these is derived from pew-rents, and other purely voluntary contributions, and the proportion of clergy to laity is less than in the middle ages, or in King Edward's time.

On the subject of Mr. Miall's 7th chapter, the arbitrary assignment of tithes, much has been already said in noticing Mr. Eagle's treatise. We will therefore only observe that in this chapter Mr. Miall says of the gifts made by landed proprietors to monastic institutions, "Landlords freely pledged themselves for their tenants' and servants' tithes—promised the legal quota, not only for lands under cultivation, but for those to be thereafter brought under cultivation—not only for lands then possessed, but for lands thereafter to be acquired." And yet in his previous chapter Mr. Miall had insisted that all tithes from lands recently brought into cultivation must be considered as originating from public law, and not from private liberality.

In his 8th chapter on the conditions of usufruct (that is, enjoyment) prescribed by law, Mr. Miall says, "The Church of England, as she now is, (meaning thereby the somewhat larger half of the population, which accepts the Book of Common Prayer, the Thirty-nine Articles, the Ecclesiastical Organization, and the Rubric, which the Imperial Legislature have sanctioned) claims to hold precisely the same relation to the endowments originally set apart by the State for pious uses, as was heretofore held by the Church of England as she was before the Reformation. We allow that claim. Nay, more, we insist upon it. The Church of England, whether Popish or Protestant, never held any property *absolutely* and in *her own right*; that is to say, the civil power which ordered the

setting aside of a certain portion of every man's annual increase for ecclesiastical uses, never surrendered its right to prescribe the conditions which should be attached to the usufruct. The Church always held *from* the State, and *subject to* the State." We have already seen that Mr. Miall has utterly failed to prove that the civil power did order the "setting aside of a certain portion of every man's annual increase for ecclesiastical uses." All that he has proved is, that the civil power did enforce the payment of tithes on persons who had inherited lands charged by the former owners with these tithes. Personal tithes, as we have seen, were not enforced by the civil power, but by ecclesiastical law, and that only to a limited extent and for a limited period. The Church does not hold *from* the State. She does hold *subject to* the State in so far as this that she has received, not from the State, but from individuals, property on certain conditions intended for the public benefit; and the State will see that she fulfils those conditions. Mr. Miall, wishing to prove the subjection of the Church of England to the State, speaks thus of the proceedings of King Henry VIII.: "When Henry VIII. suppressed the monasteries, under the weight of which the kingdom had long groaned, whatever may be thought of the policy of his act, and widely as opinions may vary as to his mode of doing it, it is, at least, historically certain that neither he nor his Parliament usurped any new authority." We have already shewn how far King Henry did what was entirely new, and how far he followed precedents. In suppressing the monasteries, and so withdrawing Church property from trustees who were using it improperly, he followed the precedent set in the case of the Templar Knights. In secularizing the property, and applying it, not for religious purposes, but for the enriching of his favourites, he did something entirely new, and was guilty of a gross breach of trust. Mr. Miall further says of this king, that, a law passed in this reign (meaning 26 Henry VIII. c. 3, s. 2, which in this instance he quotes correctly, as nothing would be gained by mutilating it) "annexed to the Crown the first-fruits and tenths of all spiritual dignities, benefices, offices, or promotions." And here Mr. Miall stops, leaving it to be inferred that these first-fruits and tithes either form part of the king's private income, or go into the national exchequer. But what is the real fact? Before the Reformation these first-fruits and tenths of clerical incomes were claimed by the Pope; that is to say, when a clergyman was inducted into a living, the Pope claimed the whole of the income for the first year, and the tenth of it for all subsequent years. And certain fees are now imposed upon clergymen when promoted to a living, in lieu of these first-fruits and tenths. But the revenue thus obtained does not go either to Her Majesty's private purse, or to the

Chancellor of the Exchequer. By Statute 2 Anne, c. 11, it is vested in trustees for ever for the augmentation of poor livings, and it is called Queen Anne's Bounty. We have thus a further proof that whenever ecclesiastical property came into the hands of the Crown, it has always, except in King Henry the Eighth's days, been considered as holding it in trust for the Church, and not for the State. Mr. Miall then proceeds to argue that the Church of England has no property. He says, "Down to the Reformation there was no organised spiritual community which could claim as its own the aggregate of Church property then existing. The State never gave the Church any corporate rights in, nor any corporate control over, the aggregate of endowments possessed by its clergy, but made every bishop and parochial incumbent a corporation sole with unrestricted title to the usufruct of his endowments. The lord of his property, in a word, never parted with his lordship." And in the 9th chapter he says yet more plainly, "Practically, and in relation to all national ecclesiastical endowments, the Church of England, as a corporate unity, does not exist. It is not possible to represent the Church of England in any of our courts of law. It is only by a figure of speech that we talk of the Church as a living entity. She can neither as such sue or be sued. She can own no property, and therefore she can be despoiled of none." There is a sense in which this is true; but, so far as it is true, it will not warrant the inference that Mr. Miall wishes to draw from it. When we say that the Liberation Society wishes to despoil the Church of England of her property, what do we mean? We mean that it wishes to deprive thousands of clergymen of revenues which have been guaranteed to them in the most solemn manner; to deprive also the whole English nation of the right of assembling and worshipping God in those parish churches which for ages have been consecrated to His service. And this would be a real hardship, a real injustice, which could not be got rid of by such mere technical and flimsy arguments as that the Church of England is not a living entity, and cannot sue or be sued. The sect of the Baptists is not a living entity,—it cannot be sued or sue. Is that a reason why the State should confiscate all Baptist chapels, with any endowments they may have? What is meant by the Church of England not having, so far as endowments are concerned, a corporate unity, is simply this, that she is not like a joint stock company,—she has no common fund belonging equally to each and all of her members. Why is this? Because the property she has (that is the property which was lawfully directed to be applied, and is actually applied to Church purposes) is derived from private liberality, and not from State gifts or State taxes. If her endowments had come from the State, very probably

she would have had such a fund. But those from whom she first received her endowments, wished to provide, not so much for the wants of the Church throughout the country generally, as for wants in the particular locality where they resided. They charged their lands with the payment of tithes in order to secure the benefits of religion for the persons living on and cultivating their lands; hence arises the unequal value of Church livings. If the State had found the salaries required, the livings would be nearly equal. All the clergy are paid equal salaries (equal that is in proportion to their rank and the importance of the duties which they discharge) in France, where the State pays them. But the fact of the revenues of the Church of England not being all poured into one common central fund does not entitle the State to any greater control over them. The legal owner of the tithes in every parish, where they have not been impropriated, is the parson for his life, and after him his successors. A perpetual succession of life estates is thus created; and this, not only technically in the eyes of the law, but also according to the plain dictates of reason and common sense, as effectually precludes any claim of the State to appropriate these tithes for secular purposes, as if they had been left to the Church as a corporate body, or to a number of trustees in trust for the Church.

The last passage in Mr. Miall's book to which we shall direct attention is a very extraordinary one, in which he compares the Church to the army, and declares that, so far as endowments are concerned, the State stands in the same relation to both. The passage is as follows:—"The aggregate number of ecclesiastical officials we call, for convenience sake, the Church, just as we may term the whole body of military men in the service of the State, the army. But everybody knows that the army cannot, as a whole, put in a claim for corporate and distinctive rights, nor can it own any property. Every man now in the army has a moral and equitable claim upon Parliament and the people for a full pecuniary consideration in recompense for his services; but supposing the State should resolve to do away with its military establishments, it would be most absurd to pretend that, after the satisfaction of all personal claims arising out of existing interests, there would be any army rights violated. Now the Church of England, in respect of any claims it may be supposed to have upon Parliament and the people, differs nothing from the army except in the special mode of maintenance provided by law for its officers of every grade. The fact that the law of the realm has set apart for every parochial incumbent a freehold for life, gives him a just claim to the undisturbed enjoyment of it—gives some claim perhaps to those who are under training for the ecclesiastical office—gives some claim to the

patron who has the legal right to present to the office ; but supposing all these claims liberally satisfied, there remains no other claim to be considered. The Church of England is no more a corporate body than the army of England." The answer to all this specious reasoning is very simple and obvious. The army is entirely supported out of the taxes annually voted by Parliament, and levied by its authority. No special funds have been set apart for the army, nor property given or bequeathed to it. If the army were disbanded, either the general taxation of the country would be proportionately reduced, or the funds raised would be applied to other uses. Money has been left by private individuals for Church purposes, but not for army purposes. Hence there is such a thing as Church property, and every one has heard of it ; but no one has heard of such a thing as army property. If a man were to leave a sum of money, with the direction that it should be invested, and the income applied for the support of aged and disabled soldiers, that would be a kind of army property, and the State would have the same control over it that it now has over Church property ; that is to say, the State would be entitled to see that the income was applied for the benefit of soldiers in the way directed by the giver, but would not be entitled either to confiscate the principal, or to divert the income to other purposes. If we regard the scheme advanced by Mr. Miall and the Liberation Society, not from a moral or religious, but simply from a social or political standpoint, the chief objection to it would be, not the hardship inflicted upon the present generation of clergymen—for Mr. Miall says their personal interests should be provided for—still less any supposed hardship upon some future generation of clergymen, or rather of persons who would become clergymen if Church property were left untouched, but the terrible blow that would be struck at the rights of property. As matters now stand, a man can leave his money for religious or charitable objects with the assurance that, when he is gone, his directions will be attended to. And it is very much for the general well-being of society that he should have this assurance. An enlightened statesman will always encourage charitable bequests on the part of those who have no near relatives to provide for. But, if Church endowments be swept away, this assurance will vanish with them. No man then could feel certain that the State would not some day take away his bequests from the pious or charitable institutions to which he had left them. In this way, as well as in many other ways, the confiscation of Church property would prove very injurious to all classes, to Nonconformists as well as Churchmen. We need scarcely add that an earnest Christian, one who feels the value of the soul, and really desires that the Gospel should be preached to all

his countrymen, in order that each of them may have at least the opportunity of believing it, and being saved thereby, will see other and far stronger objections to a scheme whereby millions of money would be diverted from the support of the Christian ministry to secular purposes.

We have thus endeavoured briefly to point out some of the leading fallacies in Mr. Miall's book. We have selected, not the weakest parts, but those in which the subjects of which he treats seem the most interesting. The other chapters, which have been passed over as less important, are quite as full of errors as those which have been noticed. Mr. Pulman, from whose able work the present writer has derived much assistance in this portion of his treatise, has closely analysed and examined Mr. Miall's book, paragraph by paragraph, and has most clearly proved that there is scarcely a page of it in which some flagrant error or misstatement may not be detected. And to Mr. Pulman's book Mr. Miall has never even attempted to make any reply; and yet the lecturers of the Liberation Society, who probably, some of them at least, have never even heard of, much less read and studied Mr. Pulman's book, go about proclaiming far and wide that Mr. Miall's "Title Deeds of the Church of England," is a book unanswered and unanswerable.

CHAPTER VIII.

ON CHURCH PATRONAGE.

CHURCH Patronage may be defined to be the right of appointing ministers to benefices or livings; that is, to certain spiritual offices in the Church to which pecuniary emoluments are attached. All the questions that can be raised about Church Patronage, may be brought under one or other of two heads, the one being the source whence the minister's income is to be derived; the other being the quarter in which the power of appointing the minister is to be lodged. Some will say, "Let the minister be supported by the voluntary offerings of the congregation, and let the congregation have the power of appointing and dismissing the minister." This is voluntarism in its simplest and most extreme form. Others will say, "Let a sum be raised and invested, and let the income derived from the investment be applied to the support of the minister; if that income be sufficient for his comfortable maintenance, let him depend upon that; if not, let him depend partly upon that, and partly upon uncertain and

voluntary offerings." Here we have the principle of endowments introduced. The minister's income must be derived either from uncertain and voluntary offerings, or from endowments of some kind. These voluntary offerings may either assume the form of pew-rents, where each person pays a fixed sum regulated by the number of seats which he and his family occupy, and by the more or less eligible position of those seats in the building, or there may be weekly or monthly collections or annual subscriptions for the support of the minister, in which each person gives exactly what he pleases. The power of appointing the minister must be lodged either with the congregation generally, or with some of its members acting as its representatives, or with persons foreign to the congregation, that is, who hold the power of appointment, whether they attend that particular church or chapel or not. Among Nonconformists, as a general rule, the power of appointing the minister rests with the congregation, or with the communicating members of it; and they have also the power of dismissing him when they think proper; and the minister's income is chiefly derived from voluntary offerings received in the form of pew-rents. In our Church, on the contrary, the general rule is, that the clergyman, rector, vicar, or perpetual curate, is appointed by a person called the patron of the living, and his income is derived from some fixed and permanent endowment; in the agricultural districts generally from the rent-charge appointed in lieu of tithes. There are, as we all know, endowed Nonconformist chapels, and unendowed churches, but these are exceptions to the general rule, though unfortunately, as regards our churches in the large towns, very numerous exceptions.

Let us take the purely voluntary plan, and see what are its advantages and disadvantages. The great advantage which is said to result from this plan, is that no minister, wholly dependent upon his congregation and liable to be dismissed at a short notice, can afford to be idle and neglectful of his duty; all drones are thus banished from the hive; a minister is thus placed on the same footing as a lawyer or a surgeon, who must be constantly attending to his business, or else must be content to forego his professional income. This is regarded by many as a very great advantage; indeed there is reason to believe that one of the principal reasons why so many of the lower middle class are Nonconformists is, that this class do so very much like to have a thorough control over their ministers—to be able to say and feel "These are our servants, we can make them do and say just what we please." It must be admitted that this plan compels a minister to be very attentive to the wishes of his congregation; but then there are great disadvantages attendant upon it. The business of the minister of Christ is to say,

not that which will most please his hearers, but that which is most calculated to do them good. He has not merely to comfort the afflicted, but also to warn the careless; he must be prepared, if necessary, to resist the wishes of his congregation if he feels that they are inclined to adopt a course which he conscientiously believes to be wrong. It is very hard for a man to do this if he entirely depends upon his hearers for his daily bread. And, again, congregations are not generally all of one opinion; and, if it rests with them to appoint and to dismiss their minister, serious differences are apt to arise, some wishing to retain, and others to part with their minister. And then there are many districts in our land, whose inhabitants are too poor to support a minister themselves, or who, though able, are too indifferent to religion to be willing to do so. For all these reasons the wisest among those who have studied the subject, have thought that it was very desirable that ministers should be supported wholly or in part by endowments, and not be dependent entirely upon the voluntary contributions of the congregation; and also that, upon the whole, it was better that a congregation should not have the power of appointing and dismissing their minister.

The system of Church Patronage which exists in our Church is found, upon the whole, to work well, though possibly it may be capable of improvement. It must be remembered that no man can be appointed to any church or living, except he has been ordained, first deacon and then priest, and thus has passed two separate examinations before the bishop; nor until he has served at the very least one year, and, with very few exceptions, at least two years, as curate under an older and more experienced clergyman. He must also, when nominated by a patron to a living, present to the bishop testimonials as to character and qualifications from three beneficed clergymen. This is a point in which our Church has a vast superiority over the sects; for in some, at least, if not in all of them, the congregation may appoint any one they please, whether he has passed a theological examination or not. For every church or living there is a patron, who is bound to present a suitable person to the bishop for induction within six months after a vacancy has occurred, or else the patronage lapses to the bishop. In some few instances the patronage is in the hands of the inhabitants of the place; but with these rare exceptions, the patron is either some private individual, or some public officer holding the patronage by virtue of his office, or some corporate body, or some trustees appointed by the person or persons who built the church or endowed the living. Several hundred livings are in the patronage of the Crown or the Lord Chancellor; many in that of the different colleges of Oxford and Cambridge; many in that of the bishops or of the deans and chapters of

the different dioceses; many, chiefly those of recent formation, in that of the rectors or vicars of large towns, and others in that of a body of trustees. All these are said to be in public patronage, but the majority of livings have private individuals for their patrons, and are therefore said to be in private patronage. The very mention of this fact will at once dispel the popular delusion, which has been diligently fostered among ignorant persons by those who know or ought to know better, that the clergy of the Church of England are paid by the State; for if the State pays them, how is it that the State has so little of the patronage? The State does not pay the salaries of officers in the army and navy, and then allow the appointments to be made by private individuals. When a living is in private patronage, then it may almost always be assumed that the patron derives his title, either by descent, or by purchase, from one who gave the land for building the church and parsonage, or the property with which the living is endowed, and who stipulated that, in return for these his gifts, he should have the right of presenting a clergyman to the living when it became vacant—such clergyman to be approved by the bishop, who is bound to ascertain that he is a properly qualified man. And, as this right of presentation, or advowson, as it is called, is often a thing much valued and sought for, it is customary and legal to sell it. Much has been said against this sale of advowsons, but there does not appear to be any real and valid ground of objection to it. A man gives a sum of money to build and endow a church on condition that he has the right of nominating the minister. Suppose he is not allowed to sell this right, then, when he dies, the right goes to his heir, or to the person to whom he bequeaths it. And is not the person who purchases the advowson just as likely to make a judicious choice as the heir, or the person to whom it is bequeathed? Perhaps he is even more likely, because a man will hardly be induced to buy an advowson unless he takes some interest in church matters; whereas an earnest churchman may die without making a will, and his heir or next of kin may be a Unitarian or a secularist. The true safeguard against improper persons being introduced into livings appears to lie, not in checking the sale of advowsons, but in proper care being exercised by the bishops as to what kind of men they admit into holy orders. Still, notwithstanding all this, it would perhaps be better for the Church of England if more of her livings were in public, and fewer in private patronage. A public patron is bound, in honour, if not in law, carefully to select the very fittest man that can be found for the vacant benefice, and to set aside all ties of kindred and all personal friendships. The private patron, on the other hand, is quite at liberty to look first among his own private circle of relations and friends, provided

he do not allow himself to be so influenced by family considerations as to appoint an improper man. It is true that these considerations too often have undue weight, even with public and official patrons; and it may with much force be urged that no living ought to be considered as in public patronage, unless that patronage be vested in trustees not less than three in number. The bishops should exercise their patronage by the advice, and with the concurrence of a Diocesan Board, and all other public patrons should have assessors, whose business it should be to see that no appointments were made merely from personal and family considerations. The case of private patrons is different. A private patron is one who either himself has been a benefactor to the Church, or derives his title from one who was such, and therefore he has paid for his right of appointment. But a public official has not. The Lord Chancellor is paid out of the national property, and the bishop out of the church property, for his official services. And he is hardly entitled, in addition to his salary, to have the opportunity of placing his private friends, merely because they are such, in influential and lucrative positions. This seems the one defect in our system of Church Patronage, that we have too few livings in the patronage of trustees, and too many in that of single individuals. But this evil is decreasing; from a variety of causes the number of livings in the hands of trustees is increasing; and, what is yet more important, the improved tone of public opinion induces, we might almost say compels, both public and private patrons to pay far more attention than they formerly did to the personal fitness of the men whom they present. Everything being taken into consideration, it may safely be asserted that the present system of Church Patronage works far better than would a system in which more power should be vested in the congregations. A large number of young men, highly connected and possessed of private means, now enter the ministry, who would be deterred by a more democratic form of Church Patronage. And this, as was shewn in a former chapter, is no small advantage. Besides, our system has two other very great advantages. The first is, that under it a clergyman is more independent of his people, less afraid to tell them plain home truths which are useful without being agreeable. The second is, that the parishioners are not split up into factions and parties whenever a vacancy occurs. All these advantages put together more than counterbalance the single disadvantage which can be urged against the system, namely, that an indolent or incompetent minister can retain a post which, under the other system, he would soon be compelled to relinquish. In some of the Liberation Society publications a great complaint is made that so many of the bishoprics and deaneries, and also of the richest livings in private

patronage, are held by members of noble and titled families. The writers seem tacitly to assume that the very fact of a man belonging to such a family is in itself sufficient evidence that he is not a truly pious man. It is needless to argue seriously or at length against so monstrous an assumption. It only requires that it should be clearly brought out in order to ensure its being set aside by all unprejudiced persons with the contempt which it deserves. We will not go to the opposite extreme, or contend that, because a man belongs to a titled family, he is therefore more likely to be a pious man than if he had been born and brought up in a humbler sphere. The Bible teaches us that God imparts His grace, without respect of persons, to men of all ranks and classes; that among the early converts were numbered alike the lowly and illiterate fishermen of Galilee, the educated Paul of Tarsus, and the wealthy and noble Joseph of Arimathea. It is possible, therefore, that if our arrangements were so altered as that our bishops and influential clergy should be taken rather from the middle or the lower, than the upper classes of society, we might still have an equal number of pious men among them. But piety, though the first and highest, is not the only qualification of a useful and influential minister. Take two men of equal piety and equal natural abilities, one brought up amidst narrow tastes, and habits, and prejudices; and the other accustomed from childhood to educated and refined society, and send each of them to take charge of a parish, and it will generally be found that the latter will make his way among the people far more readily than the former. The working men of England, both in the towns and the rural districts, have a very keen perception of the difference between one who has been born and bred a gentleman and one who has not; and they greatly prefer to have one of the higher stamp coming among them as their guide and counsellor. And most of these rich livings in private patronage are in the rural districts; that is, where what is called the middle class is less powerfully represented than in the towns, and where thus the two extremes of society meet; and it is a very great advantage that in such places the parochial clergyman should form, as it were, a link between the two extremes; that while the duties of his sacred office call him in a special manner to sympathise with the sorrows and the wants of the poor, he should yet be qualified to meet socially on equal terms the rich and high-born landowner, who has it in his power greatly to mitigate those sorrows and relieve those wants. In many parishes the frequent absence of the titled landowner is far less felt than it otherwise would be, in consequence of the constant presence of a parish priest, who is not a mere humble dependent on the nobleman's bounty, but, by his social position, as well by his sacred office, is entitled to confer with him

on terms of equality, and plead the cause of his poor neighbours. We are therefore very far indeed from agreeing with the Liberation Society Lecturers, that the fact of so many of England's highest and most aristocratic names appearing on the Clergy List amongst the holders of livings brings scandal and disgrace on our Church. On the contrary, we hold that it is productive of incalculable benefits. Withdraw this class of men from our small towns, and villages, and hamlets, and substitute another class—the class of those who by their fluency of speech would gain the applause of the ignorant masses; place in each parish an ecclesiastical as well as a political demagogue, and the interests of religion and morality would not be promoted by the change.

CHAPTER IX.

ON THE UNREASONABLE AND BITTER SPIRIT SHEWN BY SOME NONCONFORMISTS.

IN our controversy with Nonconformists we have to deal with two distinct classes. The one consists of those who, while they differ from us in their theological opinions, are yet willing to live peaceably with us—do not wish to force their views upon us, or to interfere with our ecclesiastical and political arrangements. We would cherish the hope that the larger number of Nonconformists belong to this class. Indeed of that body of Christians which, in numbers and influence, comes nearest to the Established Church—of the Wesleyan Methodists—it may be said that they all, or nearly all, belong to it. The other class consists of those who are commonly called Political Dissenters, by which term we mean, not as some would represent, Dissenters who take an interest in politics, which of course they have a perfect right to do, but persons who make religion a pretext for political agitation, who wish to overthrow the Church of England, not from any conscientious objections to her doctrines or her formularies, but because they think her destruction, or at least her separation from the State, and the confiscation of her property, would be steps towards the establishment in this country of a purely democratic form of government similar to that which exists in the United States of America. This is very clearly shewn in the opening words of Tract No. 28, in the series published by the British Anti-State Church Association—a tract entitled, “Church Property—Whose is it? By the Rev. J. H. Hinton, M.A.”:—“We avow,” he says, “distinctly and without hesitation, that

a new settlement of Church property is a part of the object which we desire to attain." The expression, "a new settlement of Church property," is ingenious, and worth remembering. If a man falls asleep in a railway carriage, and the gentleman who sits next to him transfers a watch from the sleeper's pocket to his own, and then gets out at the next station before he awakes, that also may be called a new settlement of watch property. A police inspector might perhaps suggest that it had better be regarded only as a temporary, and not as a final, settlement. But Mr. Hinton continues, "We speak indeed of the separation of Church and State, an issue of which it may perhaps be possible to conceive, without involving in the idea we form of it any modification of the ecclesiastical revenues; but it is not so that *we* conceive it. In truth, we should not wish a separation between the Church and the State upon any other principle than this, that the Church thenceforward should provide for her own wants by the spontaneous liberality of her adherents." This is a mild way of intimating that, when all the ancient endowments of the Church of England have been swept away, her adherents should be encouraged to raise fresh endowments by contributions and bequests; and then, when a sum has been collected large enough to be worth taking, a new Liberation Society should be formed, and the State should be asked to confiscate these endowments also, repeating perhaps for the consolation of despoiled Churchmen the well-known Latin line,—"*Sic vos non vobis mellificatis apes.*" "In point of principle," adds Mr. Hinton, "we hold that, wherever there are State endowments, there ought to be State control; and, in proportion to the amplitude of such endowments, State control obviously becomes the more important and necessary." The term "State endowments" is ambiguous, and should have been defined. If it mean endowments annually voted in Parliament, and so granted by the State, it may be answered that the Church of England has none; if it mean endowments sanctioned and protected by the State, the proper reply will be that all property, public and private, is sanctioned and protected by the State. But he goes on,— "In the particular case now before us, consequently—that of the Church of England, by far the most richly endowed Church in Christendom—our sentiment acquires its utmost intensity. We should experience a feeling of dread, which it would be difficult to express, in the thought of so vast a revenue—it may be stated at about ten millions sterling *per annum*—with all its direct and collateral influences, being at the disposal of an independent ecclesiastical corporation. Mischievous as we believe the Church of England to be now, we are convinced that it would be far more mischievous then; and we confess that we should shrink from so perilous an experiment. No! we have no wish that the

Church should be loosed from her chains, unless, in acquiring her liberty, she shall resign the noxious elements of her power." The property, which the piety of our ancestors left to the Church, is thus called by the Liberation Society—"the noxious elements of her power"; and the argument is, "The Church of England is more powerful than we wish her to be; she derives her power, in a great measure, from her riches; therefore, let us strip her of her riches": not, be it observed, because they are not legally and rightfully hers, but because they make her too powerful.

This argument may easily be carried a step further from public to private property. A man may be an extreme liberal, an advocate of universal suffrage, one who considers that all men ought to have equal political power, and, following the train of reasoning suggested by the passage I have just quoted, he may say to himself, "Yonder is a rich man, a man who in consequence of his riches has far more political influence than I have. I do not envy him his fine clothes and his luxurious dinners, but I do object to his having more political influence than I have; and the only way to set this right is by divesting him of his riches. I do not wish to hurt him personally, but only to deprive him of the noxious elements of his power; so the best thing I can do is to go and consult with my friends, as to whether we can devise some sure and safe plan for burning down his house." Those who have read and studied the history of Europe during the last 100 years, know that this was precisely the line of argument by which Robespierre and the Jacobins of the first French Revolution sought to justify to their own consciences, and to the world at large, the wild and sanguinary excesses into which they plunged. They said, "We are not thieves; we do not wish to appropriate for our private use other men's property; all we desire is equality; these aristocrats have had far more than their share of the national wealth; now let it be equally divided between us and them. All we want is to make them resign the noxious elements of their power." This is no exaggeration of the argument which we have quoted from the Liberation Society's tract. It is only that argument carried out to its natural and logical result. Mr. Hinton distinctly says, "We must not be content with withdrawing from the Church of England the sanction and support of the State, we must seize her property also, else she will still retain far too much power."

If then the facts be as stated, if the real and avowed object of the Liberation Society be to strip the Church of England of property which she has enjoyed for ages, and the greater part of which was left her by pious men among our ancestors in far distant times, then surely we have a right to call, not merely upon all Churchmen, but upon all men—be their creed what it may—if they respect the rights of property, to help

us in our struggle against that Society. There are unhappily in this country many who call themselves Secularists, who think that religion is an empty name, the Bible a delusion, and the existence of a personal God a very doubtful thing ; yet even to them we can appeal. We cannot ask them to support us on the ground that the Church of England by her teaching does good to the nation, for they will reply that in their opinion her teaching is false, and therefore does no good. But we can appeal to them on the ground that, in all probability they have some property, be it little or much, and that therefore apart from all moral or religious considerations, from mere motives of self-interest, they should support the rights of property. We can say to them also, "If a wealthy Secularist were to die, and leave money for supporting Secularist teachers, and building Secularist schools and meeting-houses, you would think it hard and unjust in the State to confiscate that money. Then treat others as you would expect to be treated yourselves."

It is to be hoped that neither we nor our children shall see a severance of the union that now exists between Church and State in England. But still we may look upon such a severance as a possible though not a probable thing. Political unions may lawfully be severed, when they prove unsatisfactory to the contracting parties, and therefore the State has a right, if it pleases, to sever its union with the Church—the same right that the Southern States of America had, though overpowered by numbers, to sever their union with their Northern sisters. The separation of Church and State in England would be most unwise, most detrimental to the civil and religious interests of the country, but it could hardly be called a flagrant violation of the first principles of justice and morality. But we refuse to contemplate, even as a bare possibility, the confiscation of the property of the Church. There is every reason to believe that if the decision of the matter were left to the working men of England, and the facts of the case were clearly and fairly laid before them, an overwhelming majority would raise their voices against it. Thousands upon thousands would say, "We are not Churchmen ourselves, but that is no reason why we should rob Churchmen of their property."

There is much said in some quarters about the bigotry and intolerance of Churchmen. It is quite true that men who have strong and deep religious convictions, nearly always feel and think that it is a great misfortune for persons to hold views upon religion wholly opposed to theirs. For they are persuaded that whether a man can do his duty in this world and make the preparation required for the next, depends very much on what he believes about religion and about God. If this be called bigotry and intolerance, we Churchmen must plead guilty to the charge, and

allege as our excuse that it is a very necessity of our faith, and that we have derived this notion as to the importance of what a man believes from the Divine Founder of Christianity Himself. But real practical bigotry, real practical intolerance, is to be found there, and only there, where a man seeks to inflict upon other men positive loss—loss of character, or loss of property—for holding religious or political views different from his own. And if so, where is the bigotry, where is the intolerance to be found? with us, or with the Liberation Society? Do we ever propose to confiscate chapel property? Can our opponents produce a single paper representing the feeling of any section or party in our Church which dares to make such a suggestion as this: “The Independents, or the Wesleyans, or the Baptists, are becoming too rich and powerful; some steps should be taken in Parliament to divert to other purposes the vast sums that are given or left them for the propagation of their peculiar opinions.” All know that no such paper can be found. If therefore the scheme of confiscation advocated by the Liberation Society be such as has been above stated, we would ask whether this be not bigotry and intolerance in its worst form, and whether Churchmen have not great reason to complain of the unreasonable and bitter spirit manifested towards them, not by all the Nonconformists, but by that section whose feelings are represented by the Liberation Society?

CHAPTER X.

ON THE OBJECTIONS TO DISSENT AS A RELIGIOUS SYSTEM.

MANY Churchmen, the writer among others, have thought and felt that Dissent is a very sad, a very tremendous evil, one of the greatest curses that can befall this or any other land. It may be asked, “How can you say this, when you know that so many good and pious men have been Dissenters?” Our reply is, that this is precisely the reason why we so deeply deplore the existence and prevalence of Dissent; if all Dissenters had been drunkards and profligates, we should not have cared so much about it; indeed, if a man will get drunk, it were better that he should be a drunken Dissenter than a drunken Churchman. When we hear or read of some foolish Roman Catholic priest holding up before the people a ridiculous doll, and telling them that it has miraculous powers, and that they ought to fall down and worship it, we do feel that Romanism is a very mischievous system. But then we may reflect that perhaps after all

the priest was in himself a foolish man, and would not have been very wise or very useful had he been a Protestant. So, when we hear of some foolish Dissenter giving a lecture in which he says that the clergy are paid so many millions a year by the State, and in which he makes other statements which prove that he has not even the faintest notion as to what are the relations in which, at the present moment, the Church and the State in England stand to one another, that he is confounding England with France or some other country; in fact, that he is like a man who undertakes to give a lecture on geometry without knowing a single proposition of Euclid—when we hear of this, we are not so strongly impressed with the evil of Dissent, because we feel that people who are at once both ignorant and loquacious do far more harm to the party, religious or political, to which they belong, than to any one else. We think, if there had been no Dissent, if this man had not been a Dissenter, we might have had his zealous co-operation and support inflicted upon us, and this would have been very awkward. But, when we take up the writings of Fenelon and of Pascal, and see what good and great men they were, in spite of the mists of Romish error that enveloped them, then we feel the tremendous evil of Romanism, for the thought occurs, What might these men have been, to what height of glory and usefulness might they have attained, had those mists been swept away, had they lived and laboured in the full sunshine of Gospel light? And the same feeling will arise when we read the works of Doddridge and Robert Hall, and many others that might be mentioned, for we cannot but feel how much wiser, how much more useful would these men have been, how much more glorious would our Church have been, had these men never raised the standard of revolt, had they been content to labour on for the glory of God and the salvation of souls in union and harmony with the majority of their Christian brethren. But a further reason why Dissent is so great an evil will be suggested by a perusal of the Saviour's intercessory prayer, that noblest and tenderest of all prayers, recorded in the 17th chapter of St. John's gospel. We there read, "*Neither pray I for these alone, but for them also which shall believe on me through their word; that they all may be one; as thou, Father, art in me, and I in thee, that they also may be one in us: that the world may believe that thou hast sent me.*" Why does the world not believe that God has sent Jesus; why is there so much infidelity and secularism afloat in this our Christian land? Because Christians are so much split up into parties and sects; because that which heathens so often said of the Primitive Church, "See how these Christians love one another," cannot be said of Christians now. Our Saviour's prayer is a prayer for unity. As the future history of His Church un-

rolled itself before His prophetic eye, He saw that unity was the one blessing to be prayed for; disunion, dissent, the one curse to be prayed against. The Church of Christ says, even as her Master said, "Make the many into one;" the world, with its spirit of hatred and division and dissent, says, "Split up the one so that it may again become many." St. Paul, in the Epistle to the Ephesians says, "*Endeavour to keep the unity of the spirit in the bond of peace; there is one body and one spirit; one Lord, one faith, one baptism.*" Dissent strives to break up the one body, the one faith, the one baptism, into many bodies, many faiths, many baptisms. And is not this a very sad, a very tremendous evil? We are speaking about Dissent, as a system, in its purely negative, purely destructive aspect, and are not seeking to throw the whole blame of Dissent upon the present generation of Dissenters. If we look at our Church as she was 120 years ago; at her sycophant bishops; her fox-hunting, wine-drinking parsons; her godless nobles; her down-trodden, educationless poor, we must with shame and sorrow confess that there was here abundant seed for a rich and overflowing harvest of Dissent. Good men and true men there were in the Church of England even then, but they were few, and they were discouraged by those in power. And men looked, not at the Church's liturgy and formularies, which were pure; not at her doctrines, which were scriptural; not at her form of government, which was Apostolic: but at the lives of the majority of her children. And they turned away in disgust, and became Dissenters. They forgot that, when Jesus was born, the temple at Jerusalem was God's temple, though Herod had repaired and adorned it, though Scribes and Pharisees taught therein; they overlooked the deep meaning of the Saviour's words, "*Salvation is of the Jews,*" spoken as they were at a time when the vast majority of the Jews were not walking in the way which leads to salvation. And then, when a somewhat better time arrived, and a more earnest feeling was awakened in the masses, churches were scarce,—no room to be found there for the thronging multitudes. A family, with whom the writer is very closely connected by the ties of blood, have been most of them Dissenters. Why? Because some fifty or sixty years ago the then head of the family, with his sons and daughters, came to reside near London, and they applied again and again for seats at the parish church, offering to pay for them if so they could be had, and they were told there was no room, till at length one day they went into some chapel, the deacons of which were very ready to shew them into comfortable seats, and to let them have as many as they wished at a moderate rent. And the experience of that family has been the experience of thousands. And when young men and women

have been brought up in the principles of Dissent, it is not to be expected that they will come back into the arms of their spiritual mother, at a moment's notice, without any kind of difficulty. Our fathers sowed the wind, and we have reaped the whirlwind. Our Church now has to make up for much lost time, for many wasted opportunities. And we Churchmen should remember all this. When we are well-nigh wearied out with the frivolous objections and groundless assertions of Dissenters, and are inclined to think that they are the most perverse and unreasonable set of people this earth has ever seen, we must look at our Church's past shortcomings; we must remember that, if all the charges they now bring against her are false, there was a time when some of them, so far as they were directed, not against her doctrine, but against her practice, were only too true. We cannot be too hard upon Dissent, for Dissent is utterly contrary to the mind and will of our Master, who said, "*Father, I pray that they may be one even as we are one;*" but we may be too hard upon Dissenters.

But it is often said, Dissent cannot be so great an evil, for it has done much good in two ways: first, because it has been one of the chief means whereby the Church has been awakened from her baneful lethargy; secondly, because Dissenters have carried the Gospel far and wide, have been God's instruments in bringing a saving knowledge of the truth to thousands of souls. Let us briefly examine the merits of each of these two pleas for Dissent. Dissent, we agree, means discord, variance. Can discord ever be other than evil? God can so overrule evil as to educe from it a higher good; but evil remains evil still. The spirit of Dissent sprang up between Paul and Barnabas, and some say that the progress of the Gospel was furthered by it, inasmuch as they, by travelling separately, preached to a larger number than if they had always travelled together. This is most probably a groundless assumption; but even supposing it were true, it would not follow that the quarrel between the two apostles was in itself a good and a holy thing. They quarrelled because their angry passions were aroused, not because they thought that by quarrelling they should best promote the glory of God. And it has yet to be proved that earnest pious men benefited the Church of England more by separating from her than they would have done, had they exercised their zeal and activity within her fold. An energetic Dissenter may have done more to arouse our Church from her slumbers than a lazy Churchman, but an energetic Churchman would have done more than either.

In answer to the second plea it may be said that every fair and honest Churchman does most fully and cordially recognise the services rendered to our common Christianity by many Dissenters through their writings;

through their preachings; through their self-denying missionary efforts at home and in foreign lands. But, whatever good they have done, has been done by them as Christians,—we might almost say as Churchmen, and not as Dissenters. When a Dissenter goes to a dying man and speaks to him of the love of Jesus, of the blood that cleanses from all sin, does he speak to him as a Dissenter? No; he speaks to him on the points in which he agrees, not on the points in which he differs from Churchmen. He will do no spiritual good to the dying man if he take and read to him one of the Liberation Society's tracts, and try to prove to him that Church and State should be separated, and Church property confiscated. Even were the statements in those tracts true instead of being utterly false, still they would not bring salvation to the soul.

It may be said, "This argument can be turned against yourselves; you clergymen do good, not by what you say and preach as Churchmen, but by what you say and preach as Christians."

Our reply is, The case is not parallel. We are not bound to show cause why we differ from Dissenters; it is for them to show cause why they differ from us. They seceded from us, we did not secede from them. Some will say that we English Churchmen are seceders also, for we seceded from the Church of Rome; but to argue thus shows a very imperfect acquaintance with English history. We never seceded from Rome in the manner in which the Dissenters seceded from us. Rome never was our spiritual mother. Christianity existed in England long before the Bishop of Rome claimed any dominion here. Our Church has ever existed as a distinct National Church, and so has the Church of France, commonly called the Gallican Church. Our Church did for a time acknowledge the authority of the Bishop of Rome, and receive and believe the errors and corruptions which he introduced into the Christian faith. The Gallican Church acknowledges the former and believes the latter still. We believe our Church to be pure, and the Gallican Church to be corrupt; but each is a distinct National Church.

And then suppose, for the sake of argument, that we have seceded from the Church of Rome, and not simply renounced communion with her; still we can justify our secession from her in a manner in which the Dissenters cannot justify their secession from us. We, who have thrown off the yoke of Rome, are called Protestants, because we protest against her errors; and we can show that dying men have been brought to a saving knowledge of the truth by what we have said to them, not merely as Christians, but also as Protestants. We go to a dying man, and find him trusting in the intercession of Mary, in penances and masses and empty

ceremonies; we bid him throw aside all these, and look to Christ as the one and only Mediator. This is very different from talking to him about the union of Church and State, and the origin of Church property. We separated from the Church of Rome, renounced her communion, because we differed from her in very important matters of faith and doctrine; these Dissenters have seceded from us about mere trifles. We separated from her because we were determined to obey God rather than man; they have seceded from us because, in matters of secondary importance, they were determined to have their own way, rather than to yield to the wishes of the majority of their fellow Christians.

And, owing to this, there is one point of view in which probably an honest and sincere Unitarian may be entitled to more respect than what is called an orthodox Dissenter. We do indeed believe that the Unitarian is further from truth and from heaven than the Methodist or the Independent; for he denies the divinity and the atonement of Christ, and they believe in both; but still he has a better right to be a Dissenter than they have. It cannot be said of him that he has renounced the Church of his fathers—that he has rejected a tender mother's love—for the sake of mere trifles.

Let us take, by way of illustration, the case of a father who resides with his family in some wild district, where enemies abound—where it is therefore very much for the interest of all that they should live under the shelter of a common roof. The father has certain fixed rules and habits to which he expects all his children dutifully to conform. The eldest son becomes convinced that these rules and habits are utterly wrong; his conscience does not allow him to conform to them any longer; and so, after conversing with his father, and finding agreement impossible, he sorrowfully departs to seek another home. So has many an earnest Unitarian left our Church in our own and in former days. The second son then says to his father: "I do not object, father, to your rules and habits generally; but one of them is to dine at four o'clock; I think a three o'clock dinner preferable; if you will not yield to me in this, I too shall leave." The father does not care very much about the dinner-hour, but he feels that if he yields in this he may be subjected to many other unreasonable requests, not only from this son, but also from his other children—that the discipline of the family will be an end; and so he refuses, and the second parting takes place. Perhaps the first son was quite wrong, and the father quite right, as to the points about which the difference between them arose; and perhaps the second son was right in thinking that a change in the dinner-hour would be desirable. And yet

which of the two would be most entitled to respect? Should we not all agree that the former was a well-meaning though misguided, while the latter was a headstrong and utterly selfish, young man?

CONCLUSION.

IN the Preface to this Treatise the reader was reminded that our Church, like the flag of our country, has braved for a thousand years the battle and the breeze. We should often dwell in thought upon this; we should ever bear in mind that our Church is not of yesterday's growth—that she is not, as our opponents would represent, the mere creature of the State, first brought into existence by Henry VIII. and his children, and their Parliaments. Such an assertion displays an utter ignorance of English history on the part of those who make it. Our Church is the Church of our fathers, the same which existed in Stuart days, in Tudor days, in Plantagenet days, in Saxon days, in British days, in the days of Constantine. She was marred for a season by the corruptions which came from Rome; but Rome never effaced her Catholicity; Rome never induced her to give up the cardinal doctrines of the Christian faith—the doctrines of the Trinity, of the Incarnation, of the Atonement; she only persuaded her to overlay the one true foundation with wood and hay and stubble. And all these our Church swept away at her glorious Reformation. She did right in renouncing communion with Rome, for the errors of Rome are very deep and serious; but, as a man when sick is the same being as he is when well—as a house with an ugly roof or upper story does not lose its identity when the deformity is removed—so the Church of England has ever remained the same—the same as to her essential and fundamental doctrines, the same as to her form of Church government. Her bishops were entered on the rolls of the Council of Nicœa, A.D. 325. Were the state of the Catholic Church such as to render it desirable that another general Council should be held now, her bishops would appear at this new Council, after 1540 years have rolled away.

The Church is our spiritual mother. Let us honour her and love her as such; let us think of all her glories—of her noble army of martyrs, of her stately line of teachers and of sages; let us think of the millions whom, from age to age, she has trained up to lead a Christian life, and to die in sure hope of a glorious immortality. Well may we apply to her, as our earthly Zion, the noble lines which were written of the other Zion, the Zion beyond the grave:—

"The Lamb is all thy splendour,
The Crucified thy praise ;
His laud and benediction
Thy ransomed people raise.

"With jasper glow thy bulwarks ;
Thy streets with emeralds blaze ;
The sardius and the topaz
Unite in thee their rays.

"Thine ageless walls are bonded
With amethyst unpriced ;
The saints build up its fabric ;
And the corner-stone is Christ."

Dark and stormy days may await our Church. God may have heavy trials in store for her. The State may withdraw from her the countenance and protection which for ages she has enjoyed. Should our country unhappily be plunged into the horrors of anarchy, a ruthless mob may lay a sacrilegious hand on the treasures which pious men of old consecrated to the service of God ; and then the jasper and the emerald, the sardius and the topaz, may disappear from her walls. But, in all her trials, in all her humiliations, none can tear down her corner-stone, none can separate her from Christ. And therefore, whatever may be her future fortunes—whether she is to remain for centuries as England's highest honour, and England's chiefest blessing ; or whether she too, like her Master, is to pass for a season through the dark valley of persecution and suffering and woe—still—knowing that though sorrow may endure for a night, yet joy cometh in the morning—still we may apply to her the last words of that hymn :—

"Upon the Rock of ages
They raise thy holy tower ;
Thine is the victor's laurel,
And thine the golden dower."

NOTE, page 30.—The reader who may desire further information as to what is called the tripartite division of tithes, is referred to a tract on the subject recently published by the Rev. J. D. Massingham, Incumbent of St. Paul's, Warrington, and Lecturer to the London Church Institution, in which it is shewn that this division, though it prevailed extensively on the continent, was never legally established in England.





